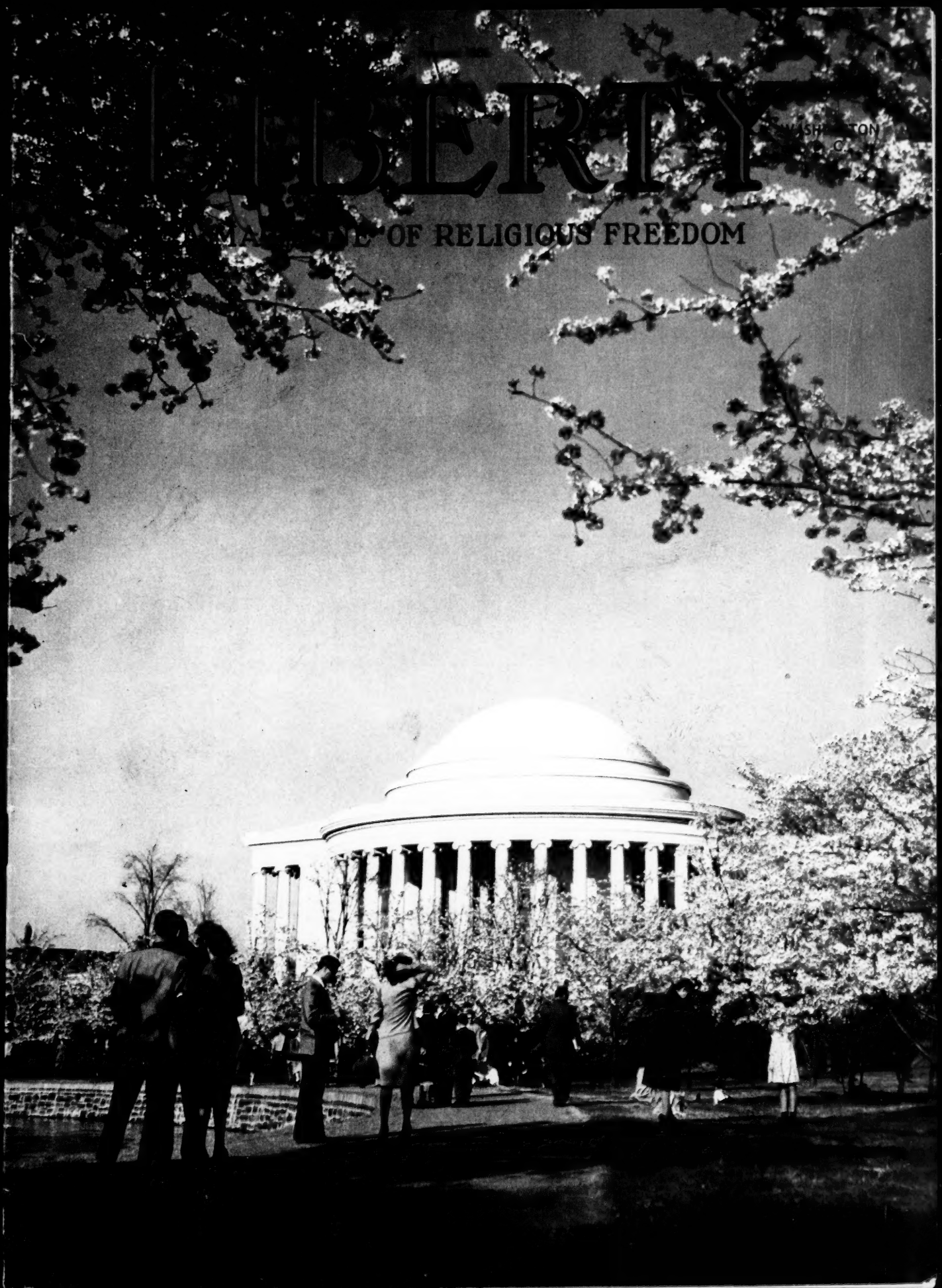

LIBERTY
MAGAZINE OF RELIGIOUS FREEDOM

DECLARATION OF PRINCIPLES

Religious Liberty Association

We believe in God, in the Bible as the word of God, and in the separation of church and state as taught by Jesus Christ; namely, that the church and the state have been placed side by side, each to work in its respective sphere. (Matt. 22:21; John 18:36.)

We believe that the Ten Commandments are the law of God, and that they comprehend man's whole duty to God and man.

We believe that the religion of Jesus Christ is comprehended in the principle of love to God and love to our fellowman, and thus this religion needs no human power to support or enforce it. Love cannot be forced.

We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights, and to rule in civil things, and that in this realm it is entitled to the respectful and willing obedience of all.

We believe it is the right and should be the privilege of every individual to worship or not to worship, or to change or not to change his religion, according to the dictates of his own conscience, but that in the exercise of this right he should respect the equal rights of others.

We believe that all legislation which unites church and state is subversive of human rights, potentially persecuting in character, and opposed to the best interests of the church and of the state; and therefore, that it is not within the province of human government to enact such legislation.

We believe it to be our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, that all may enjoy the inestimable blessings of religious liberty.

We believe in the individual's natural and inalienable right of freedom of conscience, and the right to profess, to practice, and to promulgate his religious beliefs; holding that these are the essence of religious liberty.

We believe that these liberties are embraced in the golden rule, which says, "Whatsoever ye would that men should do to you, do ye even so to them."

Religious Liberty Association, 6840 Eastern Avenue, Takoma Park, Washington 12, D.C.

In This Issue

Vol. 44—No. 2
Second Quarter
1949

HEBER H. VOTAW—*Editor*
Associate Editors—C. S. Longacre, Frank H. Yost
Office Editor—Merwin R. Thurber
Circulation Manager—R. J. Christian

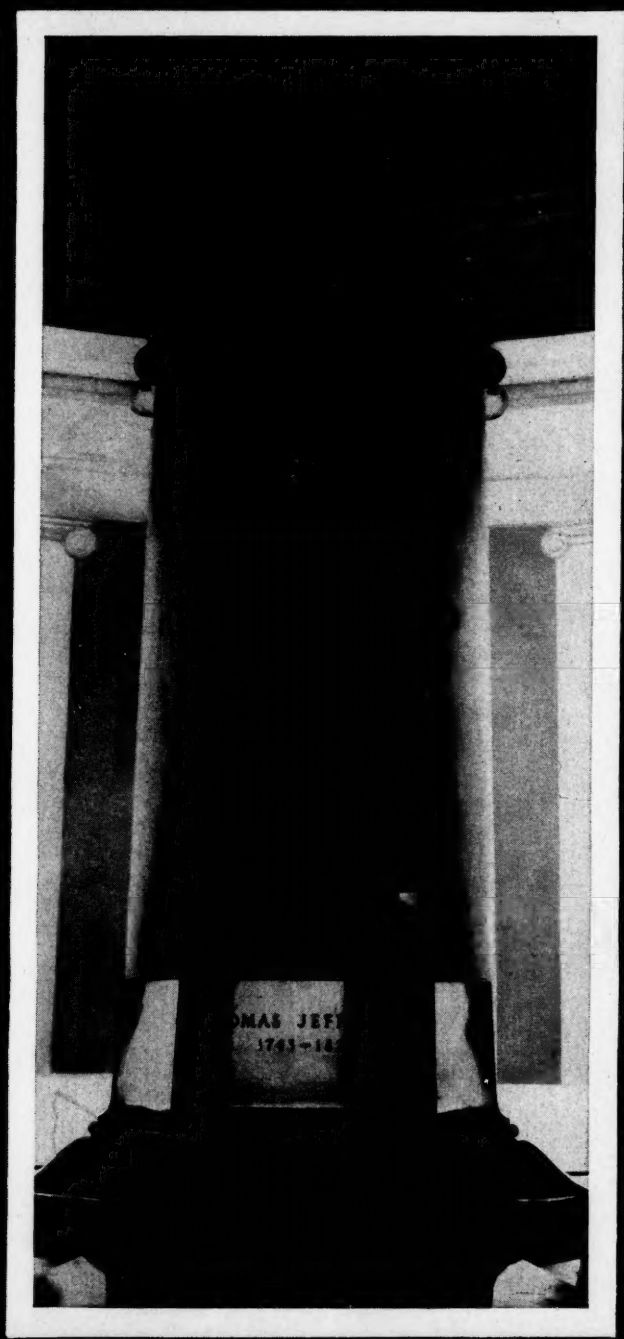
COVER

ARTICLES

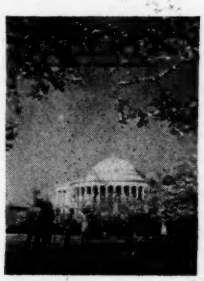
EDITORIALS

NEWS and COMMENT

BACK COVER



Our Cover Picture



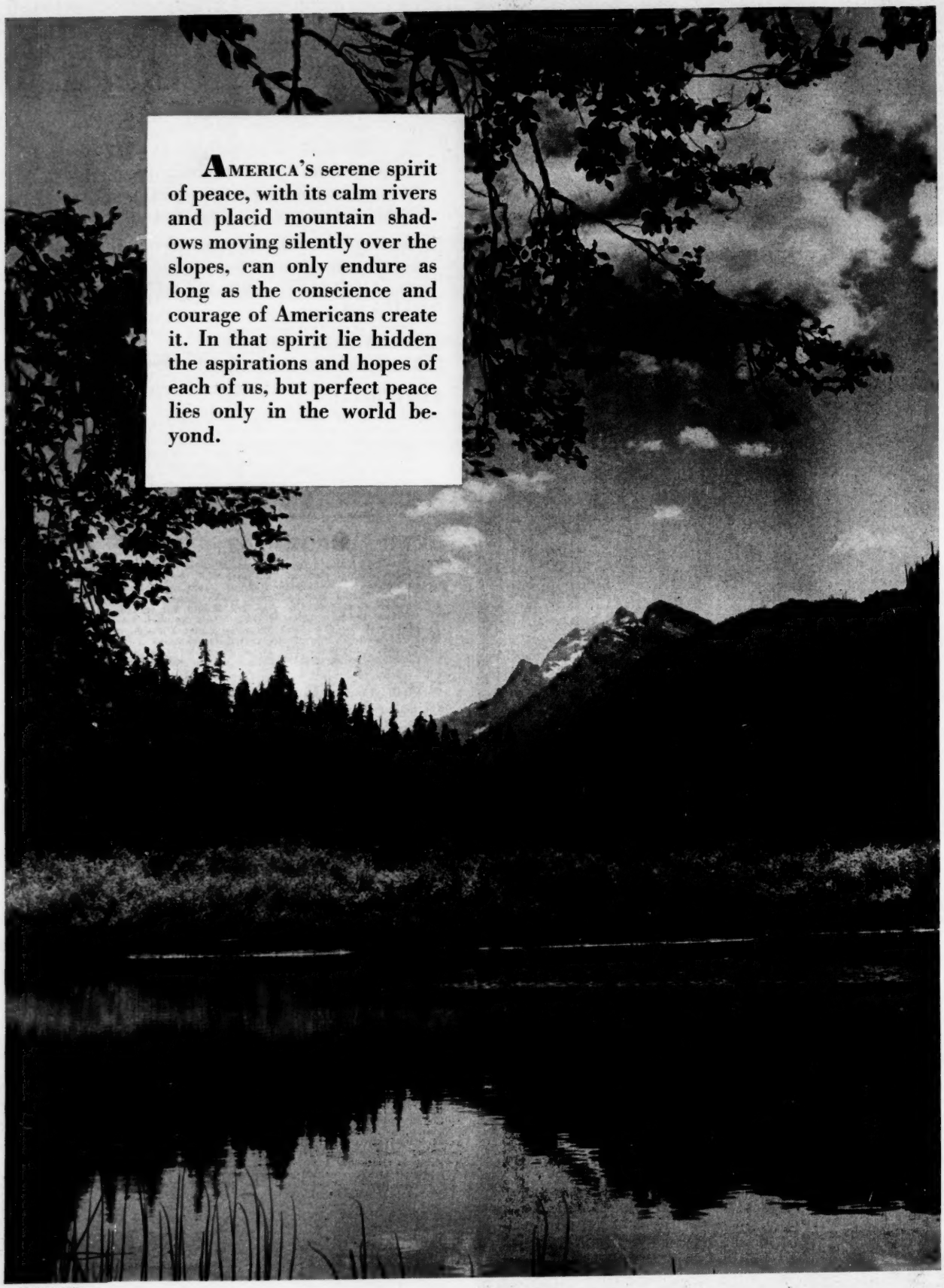
The beautiful $3,000,000 Jefferson Memorial in Washington, D.C., was dedicated by President Franklin D. Roosevelt on April 13, 1943. Inside this magnificent edifice, designed by John Russell Pope, stands a bronze statue of our third President. Thomas Jefferson's immortal place in American history is well earned, for it is he who is remembered for his framing of the Declaration of Independence, his fighting for religious freedom, and his founding of the University of Virginia.

Perhaps no other statesman was a greater patriot of his country. Feeling that as a lawyer he would have to take advantage of bad laws, he gave up his practice and entered politics that he might bring about the adoption of good laws. He stood for free education, free libraries, religious liberty, and the emancipation of Negroes. When he retired from public life it was "with hands as clean as they are empty," as he put it, for as a public servant he refused all presents, however small. In his eighty-fourth year he prayed but one prayer, that he might live to see one more Independence Day. God heard that petition. Thomas Jefferson died on July 4, 1826.

LIBERTY is the successor of the American Sentinel, whose first number was published in 1886, at Oakland, California. Its name was changed in 1906, to LIBERTY, under which name it has been published quarterly by the Review and Herald Publishing Association, Takoma Park, Washington 12, D.C. Entered as second-class matter, May 1, 1906, at the post office at Washington, D.C., under the Act of Congress of March 3, 1879. Subscription rates—one year, $1; club of twelve subscriptions to separate addresses, $5; five or more copies mailed by publishers to five addresses or to one address, postpaid, each 20 cents. No subscription accepted for less than one year. Remit by post office money order (payable at Washington, D.C., Post Office), express order, or draft on New York. Cash should be sent in registered letter. When a change of address is desired, both old and new addresses must be given.

The Bronze Statue of Jefferson in His Washington Memorial

PHOTO BY A. DEVANEY



AMERICA'S serene spirit of peace, with its calm rivers and placid mountain shadows moving silently over the slopes, can only endure as long as the conscience and courage of Americans create it. In that spirit lie hidden the aspirations and hopes of each of us, but perfect peace lies only in the world beyond.

ERIC WAHLEEN

HARRIS & EWING

The Responsibilities That Face the Legislative Branch of Our American Democracy Are Greater Than Ever Before, for the Dangers That Threaten Our Freedom, Both Civil and Religious, Are Very Real. Every American Citizen Has a Right to Expect in the Legislation of Our Day the Protection That the Constitution and the Bill of Rights Affords

The Meaning of the First Amendment

By LEO PFEFFER

Assistant Director of the Commission on Law and Social Action of the American Jewish Congress

THE FIRST AMENDMENT forbids Congress to make any law "respecting an establishment of religion, or prohibiting the free exercise thereof." The Amendment thus is a restriction only on the Federal Government; it does not forbid the States from making any law establishing religion or prohibiting its exercise. The States, too, as we know, are prohibited from abridging religious liberty and impairing the separateness of church and state. This restriction upon the State is contained in the Fourteenth Amendment, and for a proper understanding of the constitutional problems relating to separation of church and state we must therefore inquire into the meaning of the Fourteenth Amendment as well as of the First.

It seems to me that the First Amendment has, and can only have, one meaning—the meaning expressed by the Supreme Court in the *Everson* bus case and the *McCollum* released-time case; and that meaning simply is this: The Federal Government has, in the words of Madison, no jurisdiction over matters of religion. It may neither materially aid religion nor interfere with it. It must remain neutral as between religious believers and disbelievers. It may pass no

A Superb View of Monte Cristo Lake, Located in the Heart of the Cascade Mountains, About Fifty Miles East of Everett, Washington, and Puget Sound

Old Federal Hall in New York City Can Be Seen at the End of the Street. It Was in This Building That the First Congress Under the Constitution Met Just One Hundred and Sixty Years Ago and Passed a Bill of Rights for Submission to the People

"laws which aid one religion, aid all religions, or prefer one religion over another."

In the words of the Supreme Court, "the clause against establishment of religion by law was intended to erect 'a wall of separation between Church and State.' "

Another much more limited meaning has, however, been urged. According to this view the First Amendment was not intended to erect any walls or to prescribe neutrality between belief and disbelief. Its purpose was to preclude establishment of a particular sect or religion, not to prohibit governmental aid on a nonpreferential basis to all religions. In other words, to take a simple example, the Amendment prohibits Congress from granting financial assistance to Lutheran parochial schools alone, but it does not prohibit such aid to all parochial schools on a nonpreferential basis.

This meaning is particularly attractive to the Catholic Church. This church is dedicated to the principle that the ideal state is the Christian state in which the Catholic religion is the established religion and the only one entitled to governmental recognition and protection. The Church, however, is aware that such a system is not likely to be achieved in the United States in the foreseeable future. Since governmental support of the Catholic Church is not merely desirable but morally obligatory, an acceptable alternative in the United States is a constitutional interpretation prohibiting the establishment of a particular church but permitting governmental aid to all churches.

It is therefore understandable why this should have become the official Catholic view, and why it was recently elevated almost to infallible church doctrine by incorporation into the statement issued by the Catholic bishops of America, although it is not quite so understandable how some Protestant spokesmen have permitted themselves to become such passionate defenders of this view. Certainly, an examination into the events which gave rise to the adoption of the First Amendment does not support the view.

When the Constitution was submitted for ratification it was widely criticized for omitting an express guarantee of religious freedom and against establishment. Madison and the other constitutional fathers argued that such a guarantee was unnecessary since the Federal Government had no jurisdiction at all in matters of religion. The Federal Government was a government of exclusively delegated powers, and the power to deal with religion was not one delegated by the States. The people were not satisfied with this, and demanded an express prohibition. It was to meet this demand that the First Amendment was adopted in 1791. It would indeed be a cruel joke on the people if in attempting to make secure the wall between religion and the Federal Government, they opened a breach in that wall sufficient to allow full entrance by the Government. I cannot believe that this result was intended by those who framed and those who adopted the First Amendment.

When the Supreme Court refused to accept such a result it was clearly not remaking history (as the Catholic Church has charged); nor has it created new constitutional doctrine. It was merely refusing to defeat the intention of the generation which demanded an express instead of an implied exclusion of the Federal Government from the area of religious beliefs and practices.

Actually, the First Amendment of itself raises only secondary problems today. There are, of course, important areas in which the Amendment does or should act to restrain the Federal Government: Federal aid

to education, for example, must by reason of the Amendment exclude religious education. The District of Columbia, which is under the jurisdiction of Congress, is prohibited by this Amendment from teaching religion in its public schools. A case is now before the Supreme Court, in which it is urged that the Territory of Hawaii, which too is under the jurisdiction of the Federal Government, has violated the First Amendment by prohibiting the teaching of foreign languages in all schools, including private religious schools.

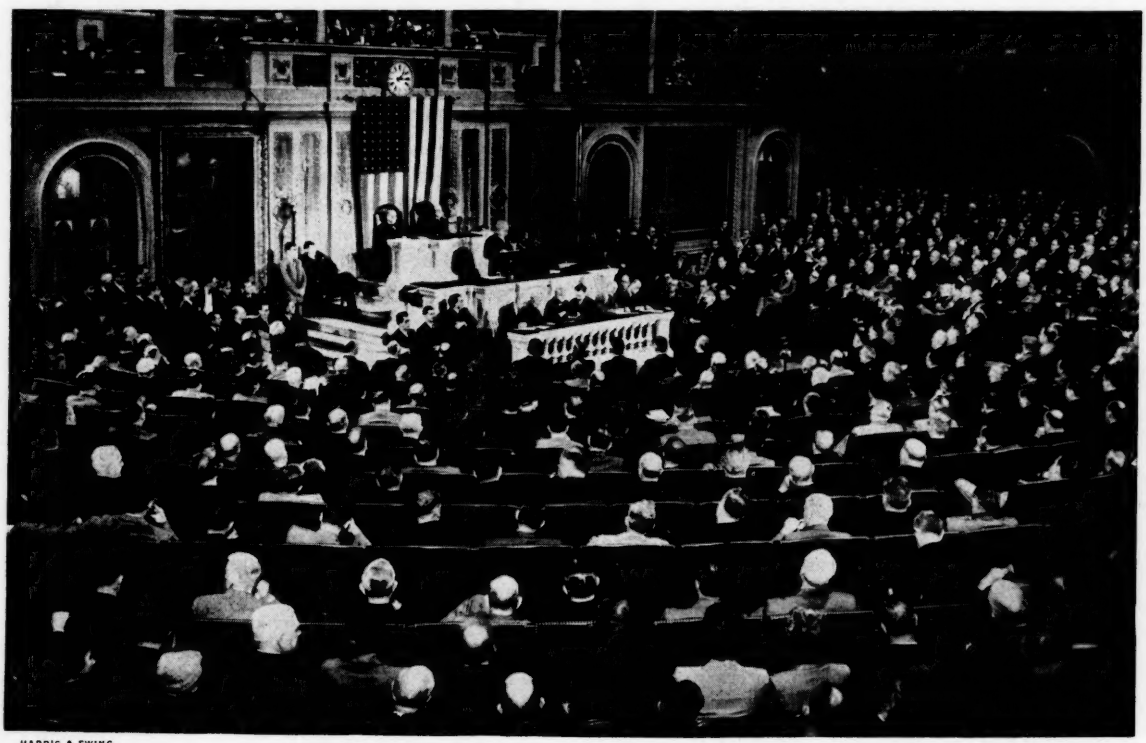
These, with the exception of Federal aid to education, are, however, isolated problems. Today most instances of governmental action either to restrict religious liberty or to establish religion are in the area of State action. It is the States which have sought to outlaw parochial schools or to prohibit Jehovah's Witnesses from distributing their missionary literature or to compel their children to salute the flag. And it is the States which have passed laws providing free textbooks for, or free transportation to, parochial schools, or released-time religious instruction for public school children.

Nevertheless, we are all aware that the States, too, may not abridge religious liberty or establish religion, and their disability in this respect stems not only from their own constitutions but from the Federal Constitution as well. The source of the restriction in the Federal Constitution, as I have indicated, is the Fourteenth Amendment, adopted in 1868, which prohibits the States from depriving any person of life, liberty, or property without due process of law. This, the Supreme Court held, imposes upon the States the same restrictions which the First Amendment imposes upon the Federal Government. It is, therefore, this Amendment which precludes State subsidies to religious schools and religious instruction in public schools.

It cannot be denied that superficially there may be legitimate ground for criticizing the incorporation of the First Amendment into the Fourteenth. The First Amendment is explicit: Congress shall make no law respecting an establishment of religion. The Fourteenth is much less clear: No State shall deprive any person of life, liberty, or property without due process of law.

It does not seem easy to read into the prohibition against deprivation of life, liberty, or property without due process of law, a prohibition against requiring children to salute the flag if their religious beliefs forbid them to do so. What the Supreme Court has done is to read into the words "deprive any person of life, liberty, or property without due process of law," which appear in the Fourteenth Amendment, the phrase,

After Having Temporary Headquarters in Eight Different Cities, the Seat of the Federal Government Was Permanently Established in Washington, D.C., in 1800. Here the Eighty-first Congress Now Sits in Session



HARRIS & EWING

H. M. LAMBERT

It Is as Much a Part of a Child's Education to Impart to Them a Knowledge of God as It Is to School Them in the Three "R's," but Such Instruction Is Not to Be Provided by Public Taxation

"no law respecting an establishment of religion, or prohibiting the free exercise thereof," which appears only in the First.

This, indeed, seems a radical innovation. Yet, I submit, that it was not merely a natural and logical development but an inevitable one. It is, moreover, a development for which those who, like me, are fully appreciative of religious values should be eternally grateful, and one which could have been made only by a court devoted to religion and never by one antagonistic to it.

How did this come about? How did the Court take the First Amendment and incorporate it bodily into the Fourteenth? The answer lies in the word *liberty*. No State, says the Fourteenth Amendment, shall "deprive any person of life, liberty, or property, without due process of law." Liberty, said the Supreme Court, means not only physical but spiritual liberty as well. It means, said the Court, "not merely freedom from bodily restraint, but also the right of the individual . . . to worship God according to the dictates of his own conscience." Therefore, a State no less than the Federal Government is forbidden to make any law prohibiting the free exercise of religion.

It is logical, indeed necessary, to construe liberty to include religious liberty. The First Amendment, however, prescribes not only religious liberty but separation of church and government as well. A person prohibited from preaching on the streets may well be deemed to have been deprived of liberty—since that term includes spiritual liberty. But how is liberty interfered with if children are excused from public school to partake of religious instruction? Released time or State aid to parochial schools seems to relate not to religious liberty but to separation of church and state. Nevertheless, the Court held that this concept, too, is embodied in the term of *liberty*. The Court interpreted the Fourteenth Amendment to embody the whole of the First, not merely the part prohibiting abridgment of the free exercise of religion, but the part prohibiting establishment of religion as well.

The acrimonious attacks on the United States Supreme Court by Catholic Church leaders for its decision in the McCollum case were based really upon the Court's interpretation of the Fourteenth Amendment rather than its interpretation of the First.

Parenthetically, I should like to point out that this interpretation was first made, not in the McCollum decision, which outlawed religious instruction in the public school, but in the Everson decision, which allowed the States to expend public funds to transport Catholic children to parochial schools. Indeed, the McCollum case did no more than apply the principles pronounced in the Everson case. The fervor with which the Court was defended after that case contrasts strangely with the bitterness with which it is attacked today.

In this broad interpretation of the Fourteenth Amendment lies the great contribution of the Supreme Court. The Court recognized that, at least under the American concept of democracy, separation of church and state, and religious liberty are two sides of the same coin; that there can be no freedom of religion without separation, and that any compromise of separation is an infringement of religious liberty.

This, too, is not a historical creation by the Supreme Court; it is a recognition of a historical fact. Every student of American history knows that there were not separate struggles in the United States for religious liberty and for separation of church and state. It was one struggle and one development. The defeat in Virginia of the Assessment Bill of 1784 and the enactment in 1786 of Jefferson's great Statute of Religious Liberty were parts of the same battle. The framers of the First Amendment knew that unless Congress was barred from making any law respecting an establishment of religion, it could not effectively be barred from prohibiting the free exercise thereof. And the Supreme Court recognized that the Constitution could not prohibit the States from interfering with religious liberty unless it also prohibited them from materially aiding religion.

The bitterness and passion aroused in the Catholic Church by the Court's interpretation of the Fourteenth Amendment is understandable but completely mistaken. I would not venture to advise the church as to where its best interests lie, but I may suggest that whereas this interpretation prevents the States from subsidizing parochial schools, it also prevents them from outlawing such schools. During the periods of intense anti-Catholic prejudice, which have been shameful blots on our history, Catholic children in public schools have been expelled and even whipped for refusing to read from the Protestant version of the Bible. We may hope that such disgraceful events will not recur; but should they, the powerful arm of our National Government stands ready to protect the rights of these Catholic children, and only because the Supreme Court has interpreted the Fourteenth Amendment to include the First.

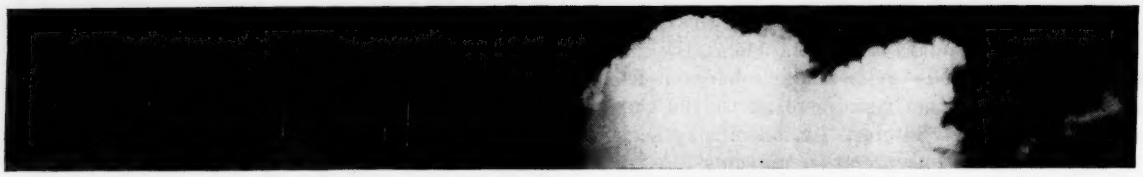
Those Protestants—and I fear there are many—and those Jews who apparently would sacrifice separation of church and state to preserve released time are likewise making a grave mistake. Even if released-time religious instruction were an adequate means of solving the problem of religious illiteracy—and I assure you it is not—bartering separation to obtain released time would be a very sorry bargain. About a week or two ago the Franco government in Spain announced proudly that descendants of the Jews who were expelled in 1492 could return and would be allowed to establish their own synagogues and enjoy the same rights as the Protestants; that is, their places of worship must not exhibit any external signs of religion and their children in the public schools must not only study the catechism and Catholic doctrine but may not discontinue schooling until they receive official evidence of satisfactory instruction in the Catholic religion.

Parenthetically, I may point out that this policy has been editorially defended in this country by the *Catholic Light,* official organ of the Scranton Diocese, in the following words appearing in its current issue (Jan. 21, 1949):

"It is true that Franco has recognized Catholicism as the State religion in Spain, but the vast majority of Spaniards are Catholics. Letting Protestant groups into Catholic Spain now to disseminate their man-made versions of Christianity would be the equivalent of permitting new schools of thought to teach the Spaniards that the multiplication table is incorrect and that the earth is flat. Franco is obviously content with Christianity as it was before 16th century adulterations were effected. Besides, he probably figures it would be more economical for his country to wait until all Protestant sects unite into one or two large groups before admitting them into Spain. Spaniards at the present time can ill afford the luxury of undertaking the construction of new churches in their homeland for over 200 religious groups. Numerous mergers of various Protestant denominations in the United States within the past ten years point to the soundness of the General's reasoning along this line."

This is an illustration of what is possible under an established church. It was to prevent such ends that those who drafted the First and Fourteenth amendments prohibited establishment of religion. It was to prevent such ends that the Supreme Court struck down what appears to be an innocuous system of religious instruction on released time. Protestant, Catholic, and Jew, believer and nonbeliever alike, should recognize their debt to the Constitution and the Court, and should scrupulously avoid any breach of the wall separating church and state—even if it means that parochial schools do not receive subsidies from public funds and public school children are not

The Bells of Religious Freedom No Longer Ring in Franco-dominated Spain, Despite the Government's Recent Decision to Let Protestant Groups Back Into the Country. Catholicism Still Dominates the Land

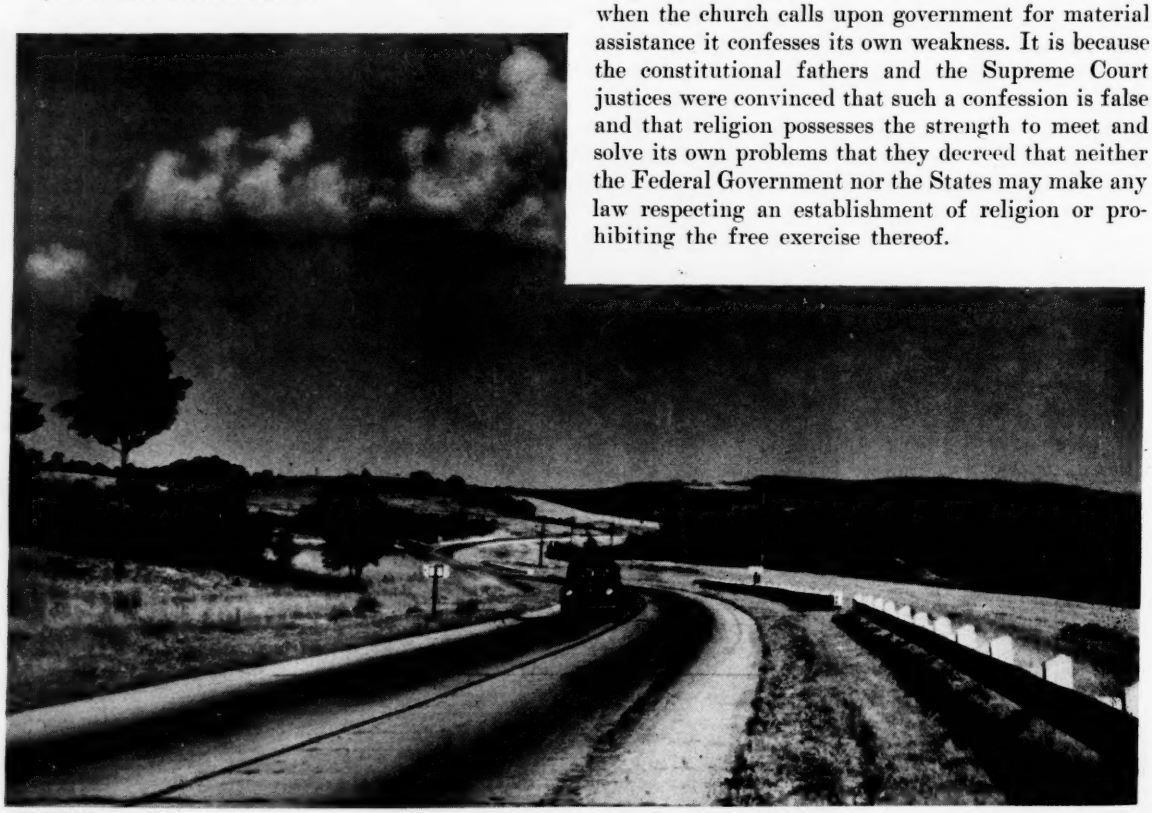


released during school hours for any types of religious instruction.

What, then, do the First and Fourteenth amendments mean today? They mean, in the words of Justice Rutledge, that there must be a "complete division of religion and civil authority," that religious education and observances may not be introduced into the public schools, and that public funds may not be obtained for aid and support of private religious schools. As a non-Protestant and a non-Christian, I can say to you that you cannot have one without the other. You cannot oppose public subsidies to parochial schools while you support released time. Indeed, it is my belief that released time presents a more serious threat to separation of church and state than does public support of parochial schools. In the latter case the State's taxing machinery is used to obtain funds for sectarian education; in the former its compulsory school machinery is used to obtain recruits. This, to me, is a more serious offense.

The First and Fourteenth amendments prescribe a secular public school system and a secular state. That is the greatest contribution of American democracy to Western civilization, and it is one of which we can all be proud.

They do not, however, prescribe a secular society. Those who framed the First and Fourteenth amendments were the friends, not the enemies of religion. They were fully appreciative of religious values and were aware that our morality is based upon religion. Of the Supreme Court justices who decided the McCollum case, seven are Protestants, one is a Catholic, and one is a Jew. None, as far as I know, is an atheist. But all, constitutional fathers and Supreme Court justices alike, knew full well that the State can best aid religion if it lets it strictly alone; that material governmental assistance leads inevitably to conflict, corruption, and debility; that the task of eliminating religious illiteracy and combating secularism in society must be left to the home and the church; that when the church calls upon government for material assistance it confesses its own weakness. It is because the constitutional fathers and the Supreme Court justices were convinced that such a confession is false and that religion possesses the strength to meet and solve its own problems that they decreed that neither the Federal Government nor the States may make any law respecting an establishment of religion or prohibiting the free exercise thereof.



EVA LUOMA

Religion and the Public Schools

By CHARL ORMOND WILLIAMS

[Dr. Charl Ormond Williams was the fourth woman president of the National Education Association (1921-22) and since that time has served as director of field service of that organization "to develop lay support for the program of the association." She has given a lifetime of devotion to the public schools, and in all her years has given her best efforts to keep them free from sectarian control.—EDITORS.]

THE QUESTION OF released-time religious education in the public schools, smoldering in this country for at least forty-four years, burst into flame on March 8, 1948, when the Supreme Court of the United States rendered their 8-to-1 decision in the now famous and history-making McCollum case.

The Champaign program to which Mrs. Vashti McCollum objected was conducted on school property and on school time by religious teachers who were brought into the public schools by the nonpublic Council on Religious Education. The public school superintendent's "approval" of the teachers was necessary, although they were employed and paid by the council. Public school teachers distributed the consent cards to pupils, who took them home for their parents to express their choice of class—Protestant, Catholic, or Jewish—for their children to attend. Attendance records were reported by the religious teachers to the public school officers.

Thus there were in the Champaign plan three basic elements which the Court found to be violations of the First Amendment made applicable to the States by the Fourteenth Amendment: the use of public school property, the use of school time when pupils are compelled by law to attend school, and the "*close* cooperation between the school authorities and the religious council." These elements resulted in what the Court called the "Utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith." The Supreme Court has decreed that the Fourteenth Amendment makes the First Amendment applicable to the States and their subdivisions equally with the Federal Government.

The First Amendment reads:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The "due process" clause of the Fourteenth Amendment reads:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

In the opinion of Mr. Justice Frankfurter in the McCollum case, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton joining, he said:

"We are all agreed that the First and the Fourteenth Amendments have a secular reach far more penetrating in the conduct of Government than merely to forbid an 'established church.' . . .

"The evolution of colonial education, largely in the service of religion, into the public school system of today is the story of changing conceptions regarding the American democratic society, of the functions of State-maintained education in such a society, and of the role therein of the free exercise of religion by the people. . . . It is appropriate to recall that the Remonstrance of James Madison, an event basic in the history of religious liberty, was called forth by a proposal which involved support to religious education."

With the growth in interest in public education strong claims for State support of religious education were put forth in various States, resulting in stormy conflicts not unlike that which in Virginia produced Madison's Remonstrance. Despite fierce sectarian opposition New York State barred appropriations of tax funds to church schools, and later to any school in which sectarian doctrine was taught.

In Massachusetts Horace Mann led the fight that prohibited all sectarian teachings in the common school to save it from denominational strife.

By 1868 one State after another had written similar prohibitions into their constitutions. The separation of church and state had become the guiding principle in law and feeling of the American people long before the Fourteenth Amendment, added to the Constitution in 1868, subjected the *States* to new limitations.

In the words of the five justices referred to above, "separation in the field of education, then, was not imposed upon unwilling States by force of superior law. In this respect the Fourteenth Amendment merely reflected a principle then dominant in our national life."

The action of the States and the nation in establishment of the principle of separation in the field

United States Constitutional Amendments Guarantee Religious Liberty

THE FIRST AMENDMENT ESTABLISHES CONGRESSIONAL LIMITATIONS

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

EXCERPT FROM FOURTEENTH AMENDMENT LIMITS STATE RIGHTS

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

of education was not due to any decline in the religious beliefs of the people. Both Horace Mann and James Madison were men of deep religious feeling. The claims of religion were not minimized by refusing to make the public schools agencies for their assertion. If the public school was to fulfill its destiny in promoting cohesion among a heterogeneous people, the public school must keep scrupulously free from entanglement in the conflict of religious sects and leave to the individual's church and home his religious education.

By 1875 the principle of separation of church and state was firmly established in the consciousness of the nation. In that year President Grant made his famous speech to the Convention of the Army of Tennessee.

"Encourage free schools and resolve that not one dollar appropriated for their support shall be appropriated for the support of any sectarian schools. Resolve that neither the state nor the nation, nor both combined, shall support institutions of learning other than those sufficient to afford every child growing up in the land the opportunity of a good common school education, unmixed with sectarian, pagan, or atheistic dogmas. Leave the matter of religion to the family altar, the church, and the private school, supported entirely by private contributions. Keep the church and state forever separate."

President Grant believed so strongly in his convictions that he urged that an amendment be written into the United States Constitution prohibiting the use of public funds for sectarian education, such as had been written into many State constitutions. Such an amendment Elihu Root urged for adoption in the New York Constitution in 1894. In summarizing a century of the nation's history, he said, "It is not a question of religion, or of creed, or of party; it is a question of declaring and maintaining the great American principle of eternal separation between Church and State."

It is pertinent to note here that every State admitted into the Union since 1876 was compelled by Congress to write into its constitution a requirement that it maintain a school system "free from sectarian control."

In the wake of these long and bitter struggles to separate church and state, and thereby ensure our religious freedom, and in disregard of the glorious and glowing pages of our history that depict them, leaders of some religious groups are now attempting to turn the clock back for a resurgence of those strife-torn times.

The plan to "release" children during school hours for religious education was proposed first in 1905 by Dr. George U. Wenner in New York City. As might be expected, considerable opposition was aroused, but in 1913 the Gary school system in Indiana inaugurated the movement. At different times estimates of those enrolled in the released-time classes in religious education have been published. In 1947 from 1,500,000 to 2,000,000 children in from 1,500 to 2,200 communities participated in released-time programs of varying types.

At my request the Research Division of the National Education Association sent out in December, 1948, a questionnaire to 5,100 superintendents in every part of the country to ascertain as many facts as possible in regard to released-time religious classes held in cooperation with their schools.

As Our Lamp Lights Another, Nor Grows Less, So Nobleness Enkindleth Nobleness

LOWELL

The inquiry was accompanied by brief descriptions of possible types of religious-education programs. A preliminary report for the 1,000 first received was the basis of the following:

Of the 1,000 communities, 724, or 72.4 per cent, do not now have any type of religious-education program associated with the public schools. Six hundred and four, or 60.4 per cent, *have never had any kind of program* within the memory of the present superintendent of schools; 120, or 12.0 per cent, had programs but gave them up for reasons to be mentioned later; 276, or 27.6 per cent, reported some kind of plan as now associated with their public schools.

Of the 1,000 communities, 276, or 27.6 per cent, reported that the public school system is to some degree cooperating with or providing formal religious instruction. When classified by types of programs the tabulations show:

14.1 per cent have formal religious-education classes in the public schools during school hours.

5.8 per cent of the school systems reported religious classes held in the school buildings after regular school hours, but *with no official school participation.*

38.4 per cent report that individual pupils were released to attend classes *outside of the school* but with the public school *keeping a record of attendance.*

33.3 per cent excused individual pupils for *outside classes* with the public school *keeping no record of attendance.*

2.9 per cent *dismiss all pupils* on a given day—that is, provide a shortened school session—but the school system assumes *no further responsibility* for religious education.

5.5 per cent of the school systems reported programs not classified under the foregoing types; most of these were combinations with *varying degrees of official school participation.*

In these 276 communities the religious-education plans are being used by an estimated 200,000 pupils in a total enrollment of about 1,000,000; or about one in five. If the total enrollment of the 1,000 cities is assumed to be about 3,000,000 pupils, then in these cities approximately one in fifteen of the pupils are participating in a plan of religious education which is associated with the public schools.

It is necessary at this point to examine briefly the 120 school systems reporting that they had given up their plans of religious instruction. The most frequently given reasons for withdrawing from religious-education plans were as follows:

55.8 per cent because of the U.S. Supreme Court decision in the McCollum case.

14.2 per cent because of a shortage of good teachers.

MEMORABLE DECLARATIONS BY TWO OF AMERICA'S GREAT PIONEER STATESMEN

JAMES MADISON'S

"Memorial and Remonstrance"

"The religion, then, of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable, because the opinions of men, depending only on the evidence contemplated by their own minds, cannot follow the dictates of other men. It is unalienable, also, because what is here a right toward men is a duty toward the Creator. It is the duty of every man to render to the Creator such homage, and such only, as he believes to be acceptable to him. This duty is precedent, both in order of time and in degree of obligation, to the claims of civil society."

THOMAS JEFFERSON'S

"Act for Establishing Religious Freedom"

"Well aware that Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy Author of our religion, who, being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in His almighty power to do."

"Adhering to . . . the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore man to all his natural rights."

10.8 per cent because of a general lack of interest.

10.0 per cent because too few pupils were enrolled.

All the superintendents were asked to vote for one or the other of the following propositions:

a. Because of the present curriculum emphasis on spiritual and moral values, the public schools do not need to be involved in a program of formal religious education.

b. Because the present curriculum is inadequate, some type of formal religious instruction should be developed for public school use.

80.6 per cent of those *who never had religious-education classes* were satisfied with the present public school curriculum.

40.0 per cent of those *who had given up religious classes* were satisfied with the present school curriculum.

23.6 per cent of those *now associated with some kind of religious-education program* were satisfied that the public school curriculum did not need to be supplemented with formal religious-education programs.

The final report of the NEA Research Division will summarize information from about 2,500 communities and will be available when completed.

Regardless of the defects or merits of religious education in cooperation with the public schools, the whole idea is in direct opposition to the Statute of Religious Freedom in Virginia, from which the First Amendment stemmed in large part. Let us hear again some of the ringing words of Jefferson's Immortal Ordinance.

"Whereas Almighty God hath created the mind free; . . . that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical, . . .

"Be it enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief."

Jefferson had in mind not only the members of various religious denominations in Virginia but men who were not members of any church—and other men of no faith. In 1943-44 about 72,500,000 persons, or 52.5 per cent of the population of the United States, were reported as holding membership in 256 separate religious bodies. The promoters of released-time religious education blandly ignored the interests of those millions of nonchurch people in this country as well as other millions who hold allegiance to no faith. The First Amendment was designed to protect *all* men regardless of religious affiliation, or of none. All are tax-paying citizens equal before the law and with equal rights under the law.

The free, tax-supported public school was designed to educate the children of all races, creeds, nationalities, and cultures, without regard to economic status. Truly it has been the "melting pot" of our national society. In addition to teaching the curriculum prescribed by law, the teachers in these public schools have *always* felt a deep responsibility for inculcating into the hearts and minds of their pupils the spiritual and moral values inherent in the faith and practice of the great religions. Neither the school systems, nor the teachers who man them, are hostile to religion. The American people as a whole approve the efforts of the teachers to teach the good way of life in a democracy to their children; to teach in a positive way cooperation, self-denial, tenacity, courage, kindness to men and animals, sense of duty, love of truth, loyalty, justice, freedom, love of country, sensitivity to beauty, creative thought, the open mind, as well as sharing in a common cause, respect for personality, the worth of every individual, increasing control over one's own destiny, moral fiber, and help; no exploitation of the weak or backward.

In 1947 the Department of Elementary School Principals of the National Education Association published a noteworthy yearbook on "Spiritual Values in the Elementary School," the influence of which has been profound and will be enduring. The Educational Policies Commission, appointed jointly by the National Education Association and the American Association of School Administrators, is now at work on a publication that will deal with the moral and spiritual values that may be taught in our public schools. All these efforts deserve the understanding support of religious leaders—and should not be minimized by them.

The education of the child is the responsibility of the home, the church, the school, and the community. Not one of these institutions or agencies should shirk its own responsibility or try to force it on the shoulders of any one, or all, of the others.

The great battle for religious freedom waged by Jefferson, and carried to conclusion by Madison, was the most bitter and stubborn, as Jefferson recorded, of his long political career. The story of this fight, including its immortal documents—Jefferson's Ordinance for Religious Freedom and Madison's Remonstrance—should be taught in public and private schools to every school child in the land in each generation as long as this nation endures. For his great work for religious freedom Jefferson was called an infidel by the political preachers of *his* day. *Now* the public school that was in part the outgrowth of his philosophy and legislation is called "godless" by some priests and preachers of *our* day.

The memory of man is short, as witnessed by the efforts of well-intentioned religious leaders who would

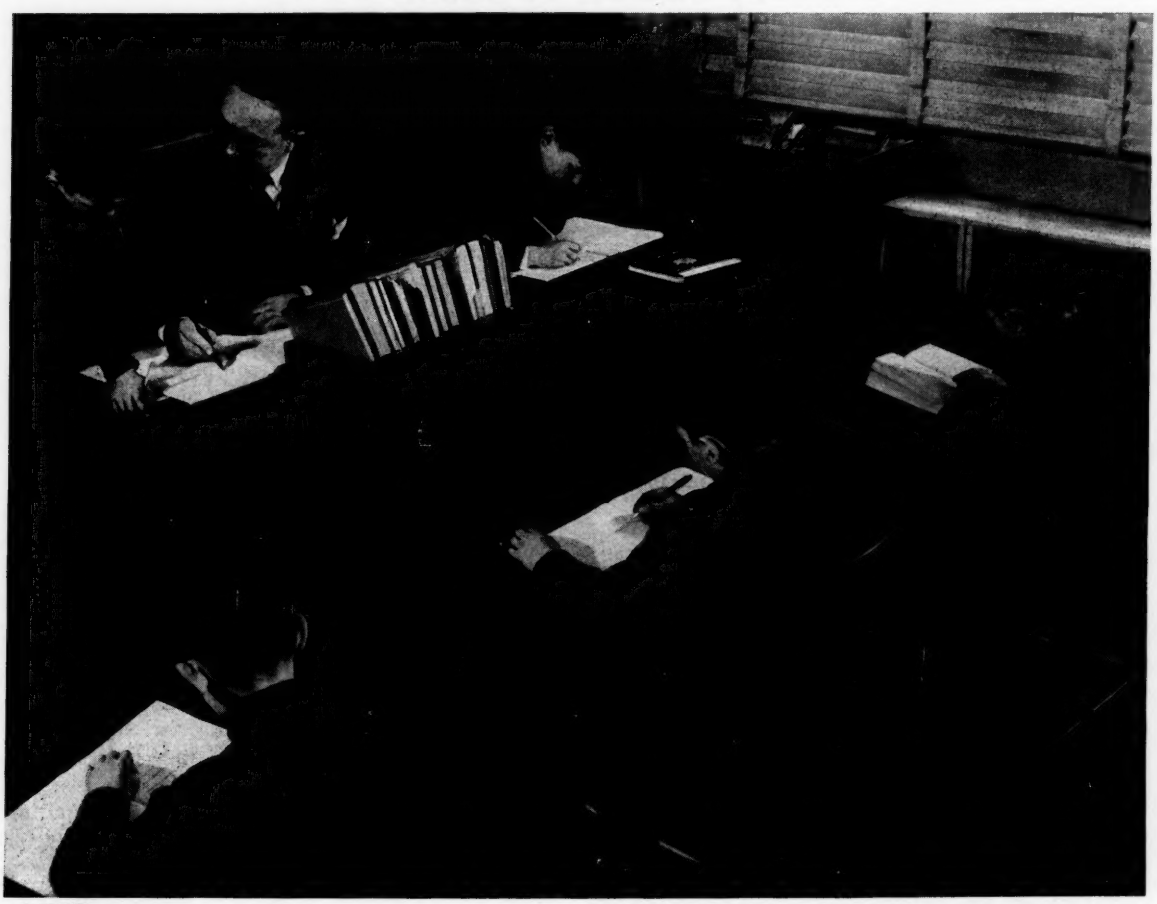
impair the foundations of our religious liberty in order to build a superstructure of uncertain strength and merit. While we repair the breaches already made in the "wall of separation between church and state" erected by our forefathers, we should labor unceasingly to prevent the third and the fourth, and still other breaches we were warned against by the four justices who dissented in the New Jersey Bus Transportation Case. All who put their shoulders to the wheel to maintain our freedom of religion may count themselves the spiritual descendants of two of America's greatest statesmen and scholars—Jefferson and Madison.

At the close of the Constitutional Convention in 1787, a lady asked the wise and venerable Dr. Franklin: "What have we got, Doctor, a republic or a monarchy?" "A republic," replied the doctor, "if we can keep it." The road to freedom is a tortuous and difficult one. Life under a benevolent despotism is a comparatively easy one for men, for a kindly disposed person will do their thinking for them. A totalitarian government also does the thinking for the people living under such a regime, for men think *often* at the peril of their lives. But in a democratic society life is uneasy and difficult, for men *must* think, if they are to preserve their liberties. Eternal vigilance is the price of freedom.

Of Madison, Irving Brant, now at work on the biography of this great statesman and protégé of Jefferson, writes: "Freedom of religion, including the absolute cutting off of churches and church schools from state support, was for Madison the first safeguard of *all* freedom. It will be for this fervent dedication to liberty and national unity, rather than for anything he accomplished in his eight years in the Presidency, that historians of the future will remember James Madison.

"We have staked the very existence of our country on the faith that complete separation between the state and religion is best for the state, and best for religion. If nowhere else, in the relation between Church and State, 'good fences make good neighbors.' " Let us therefore build those fences high, and keep them impregnable.

The Education of a Child Is the Responsibility Not Only of the School but Also of the Home, the Church, and the Community



A. DEVANEY

Courses in Bible Can Be Made Available to Students of State Universities Without Endangering the Principle of Separation of Church and State

Bible Courses for Students of State Universities and Colleges

A Recognized Method of Approach and Proper Safeguards in Our American Way of Life

By JOSEPH P. BOONE
Dean, Baptist Chairs of Bible of Texas

THE DESIRE FOR personal study of the Bible by many university and college students and the sense of obligation resting upon the churches, whose members believe that the message of the Bible should be offered to all students, may find an acceptable working plan in the proper establishment of Bible chairs. Courses in Bible can be made available to the students of the State universities and colleges on a safe and sane basis without a violation of the sacred teachings of religious liberty and the cherished principle of separation of church and state.

The religious motive so strongly manifested in the establishment of many of the oldest universities in our country should continue to find expression in providing religious instruction for college students. There is a recognized method of approach in our American way of life, with the proper safeguards and requirements, which makes this service possible.

The essential funds for the proper establishment and maintenance of the chairs of Bible are not to be provided by public taxation or by the institutions served. Suitable provisions should be made by the denomination which seeks affiliation with a university or college in a convenient location off the campus. It is essential that the classrooms be near the campus so that the students may attend between other classes and within the allotted time indicated by the authorities of the college.

The denomination rendering this service must provide the salary for a well-qualified teacher. The educational requirements in equipment, in essential library facilities, and the cost of maintenance will require additional funds.

Courses and Teachers Approved

The courses in Bible offered must be approved by the proper college authorities as to their class level and requirements. The teacher must qualify in meeting the scholastic and moral standards of the college. The evidence of approval is the granting of college credit. Each institution decides as to the number of semester hours credit accepted as electives in Bible.

The teachers of the Bible courses should be granted faculty standing, without vote, and be subject to all requirements, as to hours of instruction, examinations, grades, and attendance at classes. Since the teachers are to be selected by the denominational agency, the denomination must assume the authority for the beliefs, practices, and interpretation given by the teachers.

The college authorities do not make provision for the Bible chairs, such as providing classrooms for teaching the Bible courses. No part of the salary or other expenses of the teachers or the maintenance of the student center is paid by the college.

Each teacher naturally will be approved by the president and dean of the college as to his educational qualifications, his moral standing, and his fitness to be recognized as a part of the teaching staff, but the authority exercised by the president and dean over the teacher relates only to the quality of the work done in teaching and to the meeting of all requirements of the college as to hours of instruction, attendance of the students at the classes, the examinations, and the grades given.

The selection of the teacher, his beliefs and practices, and his interpretation of the Scripture come within the responsibility of the executive board of his denomination. Thus the cherished principle of separation of church and state is safeguarded in every particular.

Denominational Approach and Supervision

The denomination should make its approach to the State schools through a recognized educational agency. This agency, seeking university credit toward academic degrees, should be substantial, permanent, and have due recognition by the accrediting agencies of the universities and colleges.

There is a necessity for creating an educational agency to represent the denomination in establishing, sustaining and supervising the chairs of Bible. The approach is educational and the credit given toward academic degrees is in accordance with the educational requirements. The Bible courses are accepted on the same basis as other courses from colleges and universities are accepted, through the standards of accrediting agencies.

This plan of supervision is safe and workable. When questions arise or a lack of cooperation is evident, the president of the State institution can have immediate contact with those entrusted with authority by the church which operates a Bible-teaching school.

The Teacher's Qualifications

Extreme care should be exercised in the selection of the teachers for such work. There should be high standards educationally. Every Bible teacher should meet the standards of the college and be recognized with the strongest teachers on the faculty. Beyond a college degree the requirement should include at least the Th.M. degree and additional study, evidenced by being accepted as a candidate for the Th.D. degree, is desirable. It would be better if all the teachers had the Th.D. degree.

The creation of sentiment for a chair of Bible is of prime importance. The desire for Bible courses, expressed by students, is an important factor. An interest expressed by members of the faculty can be very helpful in opening the way for a friendly consideration of the establishment of a chair of Bible. Presidents and deans of the colleges, where chairs of Bible are established, have rendered large service, the growth of the Bible teaching coming through their commendation of the plan of denominational cooperation to other college presidents and deans who are desirous of making courses of Bible available to their students. The plan here suggested is not just a theory. It has been tried and proved by the Baptists in Texas.

Testimony Concerning the Baptist Chairs of Bible in Texas

The Bible chair work has grown in the number of institutions served, in the enrollment of students in the courses in Bible, and in the recognition of the importance of the work by the denomination. This has been true not only in Texas but in a number of other States. The dean of Bible chairs has been called to assist in promoting the work at several State universities outside of Texas. We now have thirteen chairs of Bible in Texas. In two colleges courses will be offered for the first time this fall, since approval for them has been given by the presidents of these schools. The total enrollment the past year was 1,967.

Following Courses by the Baptists Generally Accepted Where Presented

A Survey of the Old Testament—3 hours.

The authorship and content of each book are related to the whole Bible.

A Survey of the New Testament—3 hours.

The authorship and content of each book are emphasized in relationship to the message of the New Testament.

The Life of Christ—3 hours.

A historical study of the life and teachings of Jesus. A "Harmony of the Gospels" is used as a text. The public ministry of Christ, His compassion, and His teachings are carefully studied.

The Spread of Christianity—3 hours.

The beginnings and spread of Christianity as stated in Acts and the epistles are studied. The life, preaching, and teaching of the apostle Paul are related to the establishment of the New Testament churches.

Studies in the Old Testament—3 hours.

This is an advanced course. A Survey of the Old Testament should be taken first. Studies in the Old Testament: The divisions of the Old Testament are studied in the divine revelation and in the unfolding of God's plan of redemption. God's dealings with men

Ulysses S. Grant was a strong believer in the separation of church and state. He once wrote: "Leave the matter of religious teaching to the family altar, and keep the church and state forever separate."

and nations as set forth in the major and minor prophets are closely investigated.

Studies in the New Testament—3 hours.

This is an advanced course. A Survey of the New Testament should be taken first. Studies in the New Testament: The portrait of Christ in the synoptic Gospels is viewed and evaluated. The Deity of Christ and man's eternal relationship to Him, as taught by the apostle John, are carefully studied.

Studies in the Poetical Books of the Old Testament—3 hours.

The major emphasis is given to Psalms, Proverbs, and Job.

Studies in the Prophetical Books of the Old Testament—3 hours.

The primary emphasis is given to the teaching of the major prophets and the application of their teaching to the present age.

The Bible—How It Came to This Generation—3 hours.

A study of the closing of the canon of the Old Testament and the New Testament. A historical study of the early writings and the translations of the Bible into the languages and dialects of the nations of the world.

Bible Teaching on Marriage and the Home—3 hours.

A study of the institution and purpose of marriage and the standards and safeguards of the home. The tests and struggles in building and maintaining a home in accordance with Christian teachings are emphasized.

ONE-HOUR COURSES:

Introduction to the New Testament.
Bible Characters of the Old Testament.
Bible Characters of the New Testament.
The Life of Paul.
A study of one book of Old or New Testament.
The inspiration of the Bible and divine leadership in the formation and closing of the canon.

Accreditation of the Courses

The University of Texas and most of the colleges with which there is an affiliation give twelve semester hours credit for this work. These Bible courses are electives, and the credits are accepted toward the requirements for graduation. When additional courses are taken by a student the record is made in the registrar's office and are included in the statement when a transcript is given.

H. M. LAMBERT

Although State-supported Colleges Should Not Maintain Chairs of Bible, St Opportunity to Attend Near-by Denominational School and Rec

Our denominational program in establishing Baptist chairs of Bible is not an organic connection with

hairs of Bible, Students Who Wish to Study Biblical Subjects Ought to Have Schools and Receive Credit Toward Their Degree for Their Work

chairs of Bible of other denominations. Although this is true, we do not seek any arrangements or connections with the university or college that could not be rightly offered to any Christian denomination, if the necessary requirements in cooperation are fully met.

Lord Mansfield, famous English jurist, declared: "Conscience is not controllable by human laws. . . . Persecution, or attempts to force conscience, will never produce conviction, and are only calculated to make hypocrites or martyrs."

Baptists believe that the neglect of Bible instruction has left scores of students confused in their thinking and subject to the influences of false teachings concerning religion, morals, and personal obligations. A large percentage of the leaders in our national life will come from our state schools, and we hold that they should have the opportunity to obtain a better knowledge of the Holy Scriptures through study of the Bible while in college.

The preservation of our concepts of freedom and New Testament Christianity depends on the proper teaching of the Bible to this generation. We have entrusted to us the Word of God. Our approach to the Bible in seeking the truth is what the students need desperately. Every student must decide for himself his own relationship to the things taught. He can accept it or reject it, but he must take the consequence of his choice, and no man can refuse him the right to do so. We believe this right is irrevocable and must be kept inviolate. The only part our state schools can have in this sacred right is to protect it and guarantee the free exercise thereof. There is also an inescapable responsibility upon the individual student. He cannot expect a guarantee of his rights unless he is willing to discharge his duties as a citizen.

Jefferson Never Favored Released Time for Schools

THOMAS JEFFERSON on October 7, 1822 (he was then 79 years of age and had been working zealously since 1818 to get the University of Virginia into full-fledged use), made his annual report as Rector, to the President and Directors of the Literary Fund. It was approved by the Visitors of the University, of whom James Madison was one.

In that report, Jefferson stated that "The want [lack] of instruction in the various creeds of religious faith existing among our citizens presents, therefore, a chasm in a general institution of the useful sciences. . . . A remedy, however, has been suggested of promising aspect, which, while it excludes the public authorities from the domain of religious freedom, will give to the *sectarian schools of divinity* (italics ours) the full benefit the public provisions made for instruction in the other branches of science. . . . It has, there-

fore, been in contemplation, and suggested by some pious individuals, who perceive the advantages of associating other studies with those of religion, to establish their religious schools on the confines of the University, so as to give to their students ready and convenient access and attendance on the scientific lectures of the University. . . . Such an arrangement . . . would leave inviolate the constitutional freedom of religion, the most inalienable and sacred of all human rights. . . . "

On November 2, 1822, just three weeks after the above report was submitted, Jefferson wrote to Dr. Thomas Cooper, as follows: "And by bringing the sects together, and mixing them with the mass of other students, we shall soften their asperities, liberalize and neutralize their prejudices, and make the general religion a religion of peace, reason, and morality."

Jefferson's remarks were written with regard to the University he was helping to found, and which was finally opened in March, 1825. However, as recently as November 20, 1948, the Roman Catholic hierarchy used Jefferson's statement as an argument in favor of released time. Yet how grotesque that the Roman Catholic hierarchy should have quoted Jefferson in this regard—Jefferson who had said, "and bringing the sects together, and mixing them with the mass of other students" would result in "neutralizing their prejudices" and spreading good will! Grotesque for them to quote Jefferson because Pope Pius XI in his Encyclical Letter on the Christian Education of Youth stated: "Neither can Catholics admit that other type of mixed school . . . in which the students are provided with separate religious instruction but receive other lessons in common with non-Catholic students."

In the first place, Thomas Jefferson was speaking, not about elementary and high schools, but about the University, and his reference was to *"sectarian schools of divinity,"*—and, in his day, Roman Catholics were not on hand to confuse the issue with dogma of Papal claims to being "the one true church" and to forbid their members to fraternize with Protestants and other non-Catholics. But there were, no doubt, differences between Protestant sects.

Is it any wonder then that Jefferson used the much discussed phrase "the wall of separation between State and Church"? The phrase occurred in a letter which he wrote acknowledging "the affectionate sentiments of esteem and approbation" which appeared in a testimonial to him. The context of the letter was as follows: "Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church and State. . . . "

If the American people still value their liberties, they will follow Jefferson's sage advice and guard that wall.—S. W. in *Scottish Rite News Bulletin,* Jan. 20, 1949.

Church and State Must Remain Separate

THE REV. F. N. PITT, secretary of the Catholic School Board, is skating on very thin ice indeed in urging that public funds be provided for religious education. He is correct in claiming that the Catholic contribution to education is tremendous. So is the Protestant contribution—and it is worth recalling that some Protestant groups, like the Catholics, look with recurrent fondness on the idea that the state should help to foot their religious education bills.

The once-revolutionary demand for complete separation of church and state is imbedded in the United States Constitution and in the constitutions of every one of the 48 States. The Supreme Court ruled only last March that under this principle even religious instruction in public-school buildings is unconstitutional.

Father Pitt's contention that Soviet Russia and the United States are the only countries in the world which do not provide public funds for religious education is both irrelevant and incorrect. The American principle of complete separation of church and state was the law of the land more than a century before the Soviets arrived to haunt the international scene, and if Russia had borrowed a few more sound American principles the world would be a happier place today.

We have not checked the practices of every country in the world, but one shining addition to Father Pitt's list is immediately obvious. One of the first sweeping reforms made in Japan by General Douglas MacArthur, as devout a Christian as ever wore a uniform, was the separation of church and state. It was a badly needed reform, and it ought to stick.

In his remarks to the alumnae of Ursuline Academy, Father Pitt admitted but minimized, we think, the danger that government control of church schools might accompany public aid. A religious minority such as the Catholics of this country might rue the day indeed when a Protestant majority insisted on a moneybag right to a share in the control of all religious school programs. The Founding Fathers foresaw this and other divisive dangers in the church-state idea and wisely moved to avoid them.

"Protestant States" in the past persecuted Catholic minorities, and "Catholic States" persecuted their Protestant minorities. Give any religious group the temporal power to do so and it almost invariably will attempt to force its views on others. That the danger of this is not merely historic but ever-present is shown by Catholic Spain today. It was only yesterday (April, 1947) that press reports described the situation in that unhappy country. Protestants were being deprived of civil rights and ration cards, forced to send their children to Catholic schools, disturbed at worship, and frequently jailed on the pretext that they were Communists. Reverse the situation in Spain or any other country by putting a Protestant church-state in power, and this dismal hangover from the Middle Ages would no doubt be identical.

This newspaper observed at that time that the only guarantee of freedom of religion lies in keeping church and state completely separate. Permit the State to subsidize organized religion by aiding its schools and that separation vanishes. So, too, in time, would the American public school system, perhaps the finest single product of this democracy.—Louisville *Courier-Journal,* Nov. 21, 1948.

EDITORIALS

Seeking Dissolution of State-Church Union

ACCORDING TO THE Religious News Service the religious and political leaders in Norway, Sweden, Finland, and Denmark are seeking a greater independence from the state. In each country the Lutheran church is the official state church. The struggle for the dissolution of a church-and-state union has been going on for more than a century.

In Denmark the proposed new plan is expected to assure the church autonomy on all matters except financial ones, which still are to be determined by Parliament and the minister of ecclesiastical affairs in the government. This financial alliance between church and state gives the state a stranglehold over church affairs and puts the church in servitude to the state.

In Sweden the church-state issue is centered on differences of opinion regarding religious training in public schools. The religious minorities are complaining that compulsory attendance at morning prayers is an infringement of religious freedom, and they also object to having the free church children taught "state Lutheranism." Religious education in public schools is the same focal point of dispute in Finland, between the state church and the free churches.

The best way to avoid religious controversies in government functions is for the civil government to attend to civil matters only and let each sect look after the spiritual things of life. Differences of belief can be governed only by individual conscience; and since all men have trouble with their own consciences, no man can become the guardian of the conscience of others. C. S. L.

Selling Groceries on Sunday

A FRUIT-STAND CLERK in Atlanta, Georgia, has been fined $17 for selling groceries on Sunday.

Strange groceries! They are good for people on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday, and are sold on those days with the blessing of the community. What happens to them on Sunday, that they cost their vender $17 in fines for selling on that day? Should not all days be the same before the civil law? If a day is sacred to religion, of what concern is that to the state?

In the United States church and state are legally separated. Sunday laws produce a union of church and state. We challenge the constitutionality of such laws. F. H. Y.

The Divine Right of Kings

THE DOCTRINE OF the divine right of kings to rule without the consent of the people, and that the king could do no wrong, was based on the theory that God was the ruler over all nations and that civil government was by divine ordination. The king claimed he ruled in God's stead by divine sanction and appointment. For the people to question the actions of the king was equivalent to sitting in judgment upon God.

All the acts and decrees of the king were executed in the name of God and by the authority of Christ. Every legal document and law had the name of God and Christ affixed to it in the days when kings ruled "by divine right," no matter how cruel, unjust, and persecuting the laws were.

Yet there are Christian organizations and leaders in America who seek an Amendment to our Constitution that the name of God and Jesus Christ should be inserted in the Preamble, so that the law and authority of God and Jesus Christ should be recognized in our Government by virtue of the fact that civil government is divinely ordained.

God is not honored by merely incorporating His name in our Constitution; He is honored by incorporating the principles and laws of His government in our personal lives. Religion is a personal matter between the individual and his God. Religion cannot be legislated into the lives of the people. A legal religion is not only in violation of every principle of genuine Christianity but of religious freedom, and tends only to beget habits of hypocrisy, and engenders the spirit of intolerance and religious persecution. The only basis for peace, for freedom, and for equal justice to all men and all religions is a total and complete separation of church and state, with special privileges granted by law to none. C. S. L.

Sentenced to Attend Church

AGAIN IT IS NECESSARY in these columns to call attention to the unconstitutionality of efforts by justices sitting on the bench to punish those guilty of misdemeanors by sentencing them to attend Sunday school or church.

Last July two seventeen-year-old boys were arrested in the State of Michigan for damaging some electric signs with an air pistol. They were convicted of malicious destruction of property, but the circuit judge before whom they appeared placed them on probation. However, he ordered them to become affiliated immediately with a church, and to attend the church services.

We have heard of parents who have punished their children by making them read the Bible or perform some other religious exercise. We think this is bad discipline and a very efficient way to make those punished hate religion. But it is something more, something worse, when a court of law sentences those guilty of misconduct to make a profession of religion. No person should be compelled to be religious. Religion is a good thing. When sincerely professed, an ethical religion has a good effect upon its professors. But forced religion can never produce anything but hypocrites, and to compel a profession of religion as a punishment for public misconduct is not only unwise but in this country definitely unconstitutional.

LIBERTY (4-1948) made reference to a Virginia case, *Jones et al* v. *Commonwealth* (38 S.E. (2d) 444, 1946), in which the Supreme Court of Virginia reversed a lower court decision requiring boys convicted of a misdemeanor to attend Sunday school each Sunday for the period of one year. We believe that the Michigan courts will rule in this matter on the same high level of justice maintained by the Virginia court. F. H. Y.

Communist Approach to State Support

THE ASSOCIATED PRESS reports from Geneva the opinion of churchmen there that a campaign is in progress to alter the religious life of Communist-dominated countries. An objective is, they say, that "the backbone of the church must be broken either by separating it from the state and state funds, by offering a church subsidy and thus freeing the people of responsibility for supporting the church, or by seizure of church properties through 'land reform,' thus depriving the church of revenues."

Here are three ways of injuring the churches through their material resources.

To separate churches from state support or to kill them by the mistaken kindness of state subsidies can hurt only churches which have become anemic through dependence upon the state. When people have faith in their God and in the sacred program of their churches, they will give, and give freely, and will not be injured by the material separation of the church from the state.

One reason for the wrath of the Roman hierarchy against political Communism is that it has separated churches from state support. It has unfortunately gone far beyond this in seeking to injure the churches, but, with the Roman insistence upon material union of church and state, separation is to the hierarchy a hateful thing. F. H. Y.

Constitutions Worthless Among Men Without Honor

HUNGARY, AS A DEFEATED NATION in World War II, signed with the United States and the other Allied nations a peace treaty which bound her to guarantee to all people of all faiths "the enjoyment of human rights and of fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion and of public meeting."

But these guarantees of fundamental principles are completely overridden and nullified by the present regime in Hungary. Peace treaties and constitutional guarantees of human rights and liberties mean absolutely nothing to men without honor and integrity.

One reason why the American people in the American Republic enjoy their marvelous prosperity, their

influence and leadership as the foremost nation among all nations, is the undeniable fact that the people and the rulers of this Republic have a high respect and regard for the constitutional guarantees of the inalienable rights of all men and of all religions equally. This means granting the protection of its laws to all its citizens, regardless of race, color, or creed. The American Republic is a government of law and not a government of men.

As long as the rulers of a country and the people of a country resort to mob rule, and allow the majority to persecute the minority groups; and as long as the country is controlled by the caprice and whims of the party in power, in disregard of guaranteed rights under constitutional laws, no one's personal liberty is secure, and there can be no stability of government. Unless the ideals of liberty and justice are ingrained in the hearts and lives of the people and the rulers of the nation, they have very little value on parchment. C. S. L.

"Good Friday" to Become a Legal Holiday

CONGRESSMAN SASSCER of Maryland has introduced in Congress a bill, H. R. 968, to declare by law that Good Friday shall be observed throughout the United States each year as a legal holiday, and that Good Friday is to assume "the same character as the 1st day of January, the 22d day of February, the 30th day of May, the 4th of July," et cetera. But all these days are civil holidays, and Good Friday is a religious day observed by the church as a religious function in honor of a religious event. There are other religious days in some church calendars besides Good Friday. Why not include all the sacred days that have been dedicated to the canonized saints in the church calendars? The Government should remain neutral on all matters of religious obligation. The next thing some folks will want to do by law is to punish religious offenses under the penal codes. C. S. L.

When Unity Is a Curse

AS A GENERAL PRINCIPLE, unity and teamwork in a worthy cause is most desirable and ensures success. King David said, "Behold, how good and how pleasant it is for brethren to dwell together in unity!" Psalms 133:1. "And Abram said unto Lot, Let there be no strife, I pray thee, between me and thee, and between my herdmen and thy herdmen; for we be brethren." Genesis 13:8.

But the apostle Paul admonishes us that we can "have no fellowship with the unfruitful works of darkness, but rather reprove them." Ephesians 5:11. Again, the apostle Paul assures us that it is only possible to "be likeminded, having the same love, being of one accord, of one mind," when our minds are in harmony with the mind of "Christ Jesus." Philippians 2:2-5. Here is the only basis for unity.

Moses said, "Thou shalt not follow a multitude to do evil." Exodus 23:2. When the multitude adopted a wrong principle in the days of Nebuchadnezzar, king of Babylon, the three Hebrews who refused to bow the knee to worship the golden image he set up, were vindicated and justified by the God of heaven for their nonconformity.

When unity means monopoly and restraint of fair competition and equal opportunity, then dissent is commendable. When unity means to give consent to oppressive laws enacted by the majority that would result in the persecution of the minority, the right to differ is justifiable. There can be no basis for unity with the devil. When a son of God marries a daughter of the devil he can expect to get in trouble with his father-in-law. The apostle Paul admonishes Christians: "Be ye not unequally yoked together with unbelievers: for what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness? and what concord hath Christ with Belial? or what part hath he that believeth with an infidel? and what agreement hath the temple of God with idols? . . . Wherefore come out from among them, and be ye separate, saith the Lord." 2 Corinthians 6:14-17.

In matters of policy the majority rule, and the minority are bound to follow, but in matters of fundamental principle and inalienable rights the conscience of the individual is paramount and beyond the rule of the majority. The only basis for universal agreement is principle and truth, and they constitute the only justifiable cause for disagreement. C. S. L.

Federal Subsidies for Indian Church-operated Schools

SINCE THE SUPREME COURT decided that religion cannot be taught in the public schools, the issue has been raised whether the Government has a right to subsidize church-owned and -operated schools for the purpose of making converts to particular sects of religion. To compel a citizen to support a religion in which he has no faith, said Thomas Jefferson, "is sinful and tyrannical." That is exactly what our Government does when it subsidizes parochial or church schools owned and operated by religious organizations.

The Indian Committee of the Home Missions Council has repeatedly called attention to this un-American practice of our present Government subsidies to denominationally owned and operated schools among the various Indian tribes, where the sole object is to make converts to the faith of the sects which operate these schools.

This Indian Committee of the Home Missions Council in 1943 issued a statement calling attention to acts of Congress, as follows:

"In 1897, Congress declared it to be the policy of the Government to make no appropriation for the education of Indian children in any school maintained by a religious sect. The matter was carried to the Supreme Court of the United States and in 1908 a decision was rendered (Quick Bear v. Leupp, 210 U. S. 50) that this prohibition did not apply to treaty and trust funds belonging to an Indian tribe."

Congress passed another law in 1917, providing that no appropriation out of the Treasury of the United States should be used "for the education of Indian children in any sectarian school."

A treaty of 75 years' duration expired at the time Congress enacted this law in 1917, and the time limit was further extended until provision could be made to have the various sects operate these sectarian schools among the Indians by means of their own funds.

In spite of this Congressional action the 80th Congress appropriated $185,500 to these sectarian schools, which amount was apportioned to six Catholic schools and three non-Catholic schools.

The *Christian Century* aptly remarks, "For over fifty years an effort has been made to stop federal appropriations to sectarian schools for Indians, and for over fifty years those efforts have failed."—February 4, 1948.

It is high time that the subsidizing of sectarian schools for Indians as well as for other Americans be stopped and that our Government practice what it preaches in maintaining the doctrine of the separation of church and state. C. S. L.

Observance by Law of "Interfaith Day"

SENATOR IVES introduced S. J. Res. 6 and Congressman Klein introduced H. J. Res. 29, to require by law that the President of the United States authorize all people in the United States "to observe" "the fourth Sunday in September of each year as 'Interfaith Day,'" "urging the participation of all Americans and all religious groups in the United States, regardless of sect or creed, to participate in the observance of such day."

What business is it of Congress to prescribe by law the religious observance of a religious day and the religious functions for the various sects or creeds of "all religious groups"? It is not a prerogative of the Federal Government to authorize by the force of law the spiritual functions for religious groups. That prerogative belongs to the spiritual leadership of the federated church groups, if they see fit to institute such a religious function. It is highly improper under our principle of a separation of church and state, for Congress to prescribe religious obligations by civil law. Not only do these Joint Resolutions pending in both houses of Congress urge "all religious groups" but "all Americans" whether church members or not, to join with these religious groups to observe a religious day to promote a religious function and "interfaith." Our opinion is that the less our Government meddles with religious matters, the better it will be both for the church and for the state. C. S. L.

Final Decision in the Champaign Case

IT IS A FACT not too well known that protection of liberty of conscience is not extended directly by the First Amendment to the Constitution until a citizen claims to be wronged under its provisions and succeeds in getting redress in the courts. Similarly, a Supreme Court decision, though it has a generally restraining or guiding influence, becomes directly operative when a court takes cognizance of and applies the decision. The United States Supreme Court, in the case *People of the State of Illinois ex rel. Vashti McCollum, Appellant* v. *Board of Education of School District No. 71, Champaign County, Illinois et al.* (Case 90, October term, 1947; Decided March 8, 1948), ruled it to be unconstitutional for the public schools in Champaign, Illinois, to permit churches of the county to teach religion classes in the schools during school hours. In order to make this decision effective Mrs. McCollum appeared in court in Champaign, and on the basis of the Supreme Court decision secured injunctive relief to prevent the further teaching of religion in the public schools in her town. Judge Watson handed down, on September 24, 1948, the following order:

"This cause coming on now on reversal of judgment therein and on order from the Supreme Court of Illinois for proceedings not inconsistent with the opinion of the United States Supreme Court, and School District Number 71 having been certified by the County Superintendent of Schools of Champaign County to have been duly organized into Community Unit School District Number 4, it is ordered that a writ of mandamus issue out of this Court, directed to the Board of Education of Community Unit School District No. 4, compelling such Board, within the district heretofore occupied by School District Number 71, in the following language:

"IT IS HEREBY ORDERED (1) that the Board of Education of Community Unit School District Number 4, Champaign County, Illinois, immediately adopt and enforce rules and regulations prohibiting all instruction in and teaching of religious education in the manner heretofore conducted by said School District Number 71 in all public schools within the original School District Number 71, Champaign County, Illinois, and in all public school houses and buildings in said district when occupied by public schools; and

"(2) To prohibit within said original School District Number 71 the use of the state's public school machinery to help enroll pupils in the several religious classes of sectarian groups."

The wording of this order will doubtless become more and more significant as a precedent, as injunctions in keeping with the Supreme Court decision are applied in other localities. For the situation in respect to weekday religion classes is very confused and unsettled. According to the International Council of Religious Education, which held a semiannual session in Chicago last autumn, the work of weekday religious instruction is continuing. About 10 per cent of the communities have changed their plans; very few have had to stop their work altogether. In Vermont, Michigan, Kansas, and Illinois, however, action by State authorities has been against the religion-instruction program. South Carolina has discontinued giving credit for Bible courses in its high schools. The school board of Winston-Salem, North Carolina, has ruled against religion courses in the public schools of that city. Asheville, North Carolina, is also discontinuing such courses.

In other places in North Carolina, however, and in New Jersey, Ohio, Nebraska, and Massachusetts classes in religion are still being carried on, much as before. New York officials differ as to the effect of the Supreme Court's decision on their released-time program in that State, where more than 25 per cent of the public school pupils participate, but the programs are going ahead. Los Angeles, California, has continued its program.

In Roanoke, Virginia, religion classes are being held in the junior high school buildings, without any public school connections, and with the salaries of the instructors paid from funds raised by the churches. The school board of Durham, North Carolina, has approved a similar arrangement.

In Marion, Indiana, religious instruction is being maintained under an instructor paid by the Ministerial Association. Grade school pupils receive forty minutes of instruction a week, subject to consent of parents concerned; high school students have a one-hour class each week, for which they receive credit in English.

In West Virginia religion classes are continuing in the school buildings, after school hours, at no expense to the schools. Bible reading is continuing in the schools in Maine.

A novel plan is being carried out in Fort Wayne, Indiana. Here two thousand pupils meet after school hours in busses, and receive religious instruction, without any connection with, or expense to, the public school system.

In Arlington, Virginia, the pupils are dismissed from the public school for one hour each week to receive religious instruction. In Milton, Pennsylvania, the churches have joined together to have pupils released from public school one hour a week for religious instruction. These off-school-grounds courses are conducted under the name "The School of Living." In Bethlehem, Pennsylvania, religious instruction is given in some twenty off-school-grounds centers. Near-by Easton has discontinued its program.

Maryland schools are having difficulty with the State school-attendance law, which requires full attendance at public school during the prescribed hours, unless they are receiving elsewhere equivalent training. Religion classes do not meet the requirement, and at least one county, Montgomery, has discontinued religion classes. Oregon permits off-school-grounds instruction in religion as a released-time exercise.

The attorney general of California has ruled that released-time programs in that State are legal. St. Louis, Missouri, children are receiving one-hour-a-week religious instruction after classes one day a week, meeting off the school grounds. The same system has been approved for Utah by the State superintendent of public instruction. The attorney general of South Dakota has ruled the same sort of system legal in his State.

Summing up, religious-instruction programs of public school pupils are being maintained in New York, California, Indiana, Minnesota, Maine, Virginia, West Virginia, Oregon, Pennsylvania, South Carolina, and Iowa, with the approval of State authorities. Classes are being conducted in New Jersey, Ohio, Nebraska, North Carolina, and Massachusetts, although local rulings have been handed down to the contrary.

Justice Frankfurter, in his assenting opinion in the McCollum case on religious instruction in the public schools, stated that "we do not consider, as indeed we could not, school programs not before us which, though colloquially characterized as 'released time,'

present situations differing in aspects that may well be constitutionally crucial. Different forms which 'released time' has taken during more than thirty years of growth include programs which, like that before us, could not withstand the test of the Constitution; others may be found unexceptionable. We do not now attempt to weigh in the constitutional scale every separate detail or various combination of factors which may establish a valid 'released time' program."

It is clear from this statement, and from the large number of differing programs now being carried on, that much litigation must be expected to clarify the full meaning and application of the McCollum decision. Local litigation is already in progress in Maine and New York, and doubtless elsewhere. The questions raised concern themselves with the legality of released-time instruction on school grounds without any connection with, or expense to, the public schools; of released-time instruction off the school grounds; of dismissal of pupils at the end of the school day to designated places where religious instruction is given to those who wish it, at the expense of those participating. There is also the question of whether public school teachers may teach their pupils during school hours any phases of religion which do not involve tenets of religious faith or the inculcation of dogma.

All these points will doubtless need to be cleared up, and by the time this is accomplished, the courts, probably the U.S. Supreme Court, will have settled the legality of such situations as have been exposed in Dixon, New Mexico, and other places in that State, where parochial schools have been taken into the public school system, at public expense, to function as religio-secular schools, with the accent always on the "religio."

The executive director of Protestants and Other Americans United for Separation of Church and State has uncovered a score of cases of this hybrid arrangement in the State of Missouri, and a representative of the International Religious Liberty Association reports to the editors of LIBERTY a similar union of church and state in the school at Ferdinand, Idaho. Surely, if it is unconstitutional to *teach* religion at public expense to public school pupils, it must be unconstitutional to operate and maintain parochial schools to teach public school pupils. F. H. Y.

Bars School Bible Distribution

THE RELIGIOUS NEWS SERVICE sent out a release that the distribution of Bibles in the public schools in Marshalltown, Iowa, was prohibited by the unanimous vote of the city school board. In denying the request made by the Gideons to distribute New Testaments, the public school board "declared that although it regarded religious literature as excellent for children, 'it is not wise or desirable that the schools be used as an instrument of distribution, lest any minority group of people be discriminated against or offended in any way.' "

This school board needs to be highly complimented for the wise decision it made in refusing to allow any religious organization to employ the public school as an agency to distribute even the King James Version of the Bible, which is not acceptable to Catholics or Jews. If the school board had allowed this request by the Gideons, how could it refuse the Knights of Columbus the right to distribute the Catholic Douay Version of the Bible, or the Mormons their special Bible of the Mormons, or the Christian Science leaders the Christian Science Key to the Scriptures as interpreted by Mrs. Eddy?

Would that all public school boards entertained as clear a vision of the wall of separation between the church and the state; it would save this country many a religious controversy. Public schools are state institutions supported by the general tax funds of the people of all religious persuasions and by those who make no profession of religion, and the state-owned and -operated institutions should never be used as instruments and agencies to distribute religious propaganda of any particular group or brand of religious teaching. The state must remain neutral on all religious questions and allow all citizens, irrespective of their religious predilections, to stand on the same equality before the law and the bar of justice.

C. S. L.

Shall the State Take Over the Work of the Church?

MUCH HAS BEEN SAID, since the McCollum decision was handed down by the United States Supreme court, about the restriction placed upon society because sectaries of religion cannot now legally go into a public school and teach religious tenets to pupils there.

Under the influence of such comments as these one might think that the public school is the only institution in the country where religious teaching can be heard, and that if pupils in public schools are not taught religion there, they will not be taught it at all. The conclusion drawn from the plaints, and we think an untenable one, is that the decision circumscribes the freedom of the pupils because it prevents them from hearing religious instruction while in the public schools.

But there are institutions which have for long centuries been teaching religion to any of the public who would listen. Among Jews there has been the synagogue, which for more than two millenniums has been teaching religion to those who wish to come and listen.

Among Christians there has been the church, which, ever since Saint Paul wrote nearly 1900 years ago of a salute to "Nymphas, and the church which is in his house" (Col. 4:15), has been welcoming to its usually effective didactic processes all and sundry.

These institutions, established for the particular and unique purpose of presenting religion to the public, are functioning freely in American society today. Indeed, there are more of them now than ever, and more people are presenting themselves at meetings of the churches, or of institutions maintained by them, than ever before in the history of the church. There are, thanks to God and to our liberty-loving statesmen, absolutely no restrictions, by any governmental agency, upon anyone's attendance at any meeting of any religious organization. There are more elaborate and functional provisions made by churches for presenting religion to children and youth than ever before in history. The meetings of the churches are, with few exceptions, open to all.

These institutions for teaching religion do exist and function. Should the state also build, equip, and man churches of its own to teach religion? I think we hear a unanimous no. Not only would this multiply churches, of which there are already so many, and set up state institutions in competition with the churches, but it would trespass a principle of American constitutional law. The state is not to teach religion!

Exactly. But that being so, the state's schools should not teach it either. Here is not a question of instruction in the public schools in religious art or incidental religious history, or in the ethics of human relationships. Here is a question of instruction in dynamic religion, which imparts the spiritual values, or gives instruction in religious tenets based upon conviction. These are what make religion functional in the personal life, and give rise to distinctions in religious belief and practice. It is these which make religious liberty necessary, and which therefore the state's institutions must not foster.

It would not be the task of the state to impart these elements of religious instruction if there were no other institutions to do it. Certainly it is not the state's task when at every hand there are prosperous institutions, voluntarily supported, and dedicated to the advancement of religion. To keep the function of the church in teaching religion separate from the function of the state in imparting other elements of knowledge which equip a citizen for effective living, is not only cogently defensible but necessary.

But, some object, the churches are not reaching the children. Religion must therefore follow the children into the public schools. Indeed! If the churches are not reaching the children, whose fault is it, and what is proved thereby? By this argument the more inadequate the church in its religious work in society, the more the state must take over in the field of religion. Is this where we are headed? God forbid! If we are, then let the churches get busy, and increase their spiritual power and practical efficiency. If the churches were meeting satisfactorily their responsibility of teaching religion, there would be no ground for the demand that the public school take over the work of the church. We are facing this alternative: Either the state is to take over the work of the church—which would mean the emasculation of the church, or the domination of the state by the church—or we must continue to have the state and church function side by side, each one effective in its sphere, presenting in their total services to society a well-rounded supply of all that society needs. The far-sighted American, whether sectary or secularist, dares choose only the latter alternative. F. H. Y.

Union of Church and State in the New Israel

WHEN NEWSPAPER ACCOUNTS and radio broadcasts first reported that the framers of Israel's proposed constitution intended to make recognition of certain holy religious days a part of the basic law of the new state, we wrote to the secretary of the American Jewish Committee, expressing our belief that such a course would be unwise and suggesting that American Jews should protest against it. We felt that since Jews have been so often the sufferers under religio-political laws, even in America, they would be quick to see the dangers in them. The gentleman to whom we wrote gave our letter to Dr. S. Andhil Fineberg for reply.

We are surprised at it. The arguments are so much like the ones used by those misguided souls who are continually clamoring to have the name of Jesus Christ inserted into the American Constitution that they might be borrowed from the speeches or writings of those Christian zealots.

First, Dr. Fineberg quotes two paragraphs from Article 15 of the proposed Constitution of the State of Israel. They are these:

"(1) Freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, shall be insured to all. . . .

"(4) The Sabbath and the Jewish Holy Days shall be days of rest and spiritual elevation and shall be recognized as such in the laws of the country. The Holy Days of other religious denominations shall equally be recognized as legal days of rest for the members of such denominations."

No objection can be offered to the first. The second gives the trouble. It proposes a pure union of church

The Heritage of the Past Is the Seed That Brings Forth the Harvest of the Future

INSCRIPTION, NATIONAL ARCHIVES BUILDING

and state. The fact that it recognizes legally all religions does not help it one bit. It only makes the union of church and state a polygamous one.

In explanation and justification of the proposed paragraph 4 of Article 15, Dr. Fineberg writes:

"While the Constitution of the United States includes no exact parallel to these provisions, there is nothing in our Constitution which forbids Sunday laws and it is a fact that throughout our nation, Sunday is observed as a legal day of rest on the basis of state and local ordinances.

"For some months there was a barrage of attack upon the provisional government of Israel and the people of Israel, based upon an assumption that Israel was going to be a godless, atheistic state. This has been deflated by the Constitutional provisions which assure everyone at least one weekly day of rest on the day when the majority of the population will wish to attend religious services. The fact that Christmas is a national holiday here and that Good Friday is similarly a legal holiday in many communities, parallels the recognition of the Jewish Holy Days in Israel. The splendid thing is that whereas no Jew in America or any other member of a minority has constitutional protection for the observance of a holy day if an employer refuses to grant it, in Israel no one will be denied that right.

"In the light of these facts I believe that our co-religionists in Palestine deserve praise rather than censure. I trust that on getting this complete picture you will agree with me that the provision concerning the Sabbath is neither unwise nor unwarranted."

We disagree with much of this. Let us note a few points. First, we believe that the Constitution of the United States does forbid Sunday laws as religious laws. We do not believe that the United States Supreme Court as now constituted would support the contention that any purely religious law is in harmony with the spirit and intent of our Constitution.

In the famous *Everson* v. *Board of Education* case Mr. Justice Black, speaking for the United States Supreme Court, said:

"The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. . . . No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and *vice versa.* In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between Church and State.' "

Any kind of religious laws on civil statute books are subject to both interpretation and misinterpretation. They furnish clubs for bigots and are indicative that true separation of church and state does not exist. Frequently they are of a nature to violate the best principles of jurisprudence in that a man must prove his connection with some kind of religion to get the benefit of whatever exemption clauses are contained in the measure.

The fact that there is now a bill before Congress to make Good Friday a legal holiday is a poor excuse for the enactment of such laws as are proposed in Israel.

The Religious Liberty Association has consistently opposed the enactment of Sunday laws by the United States Congress and has also opposed the enforcement of such laws when they are on State statute books. Further, it is always quick to declare that it would oppose a Saturday law as vigorously as a Sunday law. If this organization had representatives in Israel, they would have to oppose paragraph 4 of Article 15 of its proposed constitution.

We freely grant to Dr. Fineberg and others who agree with him the right to their beliefs, but we are as sure as can be that the enactment of such a constitutional provision as is suggested can finally mean only trouble and disappointment.

Someone has compared the birth of the American nation to a resurrection of truth. If the figure is allowed, we shall have to say that a good many grave clothes clung to the body politic at the time of its rising. More than one hundred and fifty years have passed since the adoption of our Constitution, and experience has shown that wherever there was not a clean break of the union of church and state, the religious laws and usages that came to us from the colonies have been the source of persecution and misunderstanding.

All of this is written in sorrow. H. H. V.

Teaching Religion in Indiana Public Schools

AN INDIANA LAW (chapter 225 of the 1943 Acts) provides for the teaching of religion in the public schools, on school property, during school hours, with attendance records kept. In the following portion of an opinion by the State's attorney gen-

eral, practices contrary to the McCollum decision are admitted, but the Act itself is defended. Note the following:

"The Attorney General gave the State Superintendent of Public Instruction a nineteen page official opinion on the three questions asked on May 10, 1948, a portion of which I am quoting:

"Question 1. 'Is Chapter 225 of the 1943 Acts unconstitutional in view of the Supreme Court decision (People of the State of Illinois ex rel. Vashti McCollum, Appellant, v. Board of Education of School District No. 71, Champaign County, Illinois et al.) issued on March 8, 1948?'

"Answer. 'The element of compulsion is undeniably present in the Indiana law. The Act in effect says, "You may perform a legal duty of attending school by taking religious instruction."

" 'As Mr. Justice Frankfurter said, "That a child is offered an alternative may reduce the constraint; it does not eliminate the operation of influence by the school in matters sacred to conscience and outside the school's domain."

" 'No Act would be necessary to permit a child to take religious instruction outside of the schoolhouse and after school hours. I do not believe an Act would be necessary to permit "dismissed time" at any time of the day if the students are dismissed with complete freedom to do as they please—to study, to take religious instruction, to take music lessons, etc. or to play.

" 'Is not the very purpose of our Act to "provide pupils for the religious classes through use of the State's compulsory public school machinery?"

" 'Is that the "absolute separation" required?

" 'Recognizing the hazard of the determination of such a complicated problem as this upon the basis of one opinion, I nevertheless am of the opinion that our Act will have difficulty, to use the words of Mr. Justice Reed, in running the gantlet, of the judgment rendered in the McCollum case.

" 'The most questionable part of the Indiana law is the last two sentences. They read:

" ' "Such school for religious instruction shall maintain records of attendance which shall at all times be open to the inspection of the public school attendance officers. Attendance at such school for religious instruction shall be given the same attendance credit as at the public school."

" 'The purpose of the Act may be executed without those two sentences. I would therefore recommend that for the present, no attendance records be kept.

" 'The general rule with respect to the severability of constitutional and unconstitutional provisions of an Act is that unconstitutional provisions may be deleted if it appears that such deletion does not do violence to the legislative intent in passing the Act.

Let All the Ends Thou Aimest at Be Thy Country's—Thy God's—and Truth's

INSCRIPTION, UNION STATION, WASHINGTON, D.C.

The rule is discussed at length in *Ettinger et al v. Studevent* (1941) 219 Ind. 406. As stated at page 423,

" ' "Where the Legislature attempts to do several things one of which is invalid it may be discarded if the remainder of the act is workable and in no way dependent upon the invalid portion. * * * "

" 'Here the Legislature apparently wanted to provide affirmative authority for the release of children for religious instruction. It added an element of compulsion which is objectionable. By the deletion of the objectionable part, the major intent, in my opinion, may yet be preserved.

" '*By that, though, I do not mean to imply that the remainder of the Act can, in any event, be sustained but the part which, at present writing, appears to be in violation of the First and Fourteenth Amendments to the Constitution ought not to be enforced.*

" '*By the time of the next General Assembly, we may have sufficient information to enact a program (whether this or a modified one) free of all doubt.*'

"Question 2. 'Does the same decision delivered by Justice Black invalidate Rule 79 of the General Commission of the Indiana State Board of Education?'

" 'Rule 79. "Credit for Bible Study (as prescribed by Chapter 225 of the 1943 Acts) may be granted when achievement or competence on the part of the student has been measured by some recognized test. A maximum of five-tenths units of credit in Bible Study may be allowed toward graduation."

"Answer. 'The rule was promulgated to implement the statute discussed above. In the light of the statements of the members of the United States Supreme Court in the McCollum case, it is my opinion that this rule is unconstitutional. There is definitely herein the element of aid, inducement and encouragement, as well as many other facts that the high court criticized.'

"Question 3. 'Does the same decision invalidate the teaching of Bible as a one semester course as permitted by the 1923 Acts, Chapter 91?

" 'In my opinion, Chapter 91 of the Acts of 1923, same being Section 28-3418 of Burns, is not affected by either the opinion rendered in the McCollum or the Everson case, provided, however, that the teaching is secular and not sectarian in nature.' "

A bill has been presented in the Indiana legislature to repeal the law, and organized efforts are being made to expose the danger to religious liberty and to the integrity of the public school system, in this well-in-

tentioned endeavor to teach religion at the expense of the school. We hope these efforts will be successful.

Always in such endeavors the churches and the Christian ministry of a community should be challenged to do effectively *their* work of teaching religion. When their work is successful, under God, there is no need to turn to state agencies to do the churches' work. F. H. Y.

Liberty of Speech and Sound Trucks

IN LIBERTY, fourth quarter, 1948, reference was made to an opinion rendered on June 7, 1948, by the Supreme Court of the United States, in which an ordinance of the city of Lockport, New York, was declared to be violative of the principle of freedom of speech, but the Court added: "Noise can be regulated by regulating decibels. The hours and place of public discussion can be controlled. But to allow the police to bar the use of loud-speakers because their use can be abused is like barring radio receivers because they too make a noise. . . .

"Courts must balance the various community interests in passing on the constitutionality of local regulations of the character involved here. But in that process they should be mindful to keep the freedoms of the First Amendment in a preferred position."

Concerning the Lockport ordinance, the Court said, "The statute is not narrowly drawn to regulate the hours or places of use of loud-speakers, or the volume of sound (the decibels) to which they must be adjusted."

On January 31, 1949, another case involving the use of loud speakers was decided by the United States Supreme Court.

In this instance the validity of an ordinance of the city of Trenton, New Jersey, was at issue. This municipal statute says "that it shall be unlawful for any person, firm or corporation, either as principal, agent or employee, to play, use or operate for advertising purposes, or for any other purpose whatsoever, on or upon the public streets, alleys or thoroughfares in the City of Trenton, any device known as a sound truck, loud speaker or sound amplifier, or radio or phonograph with a loud speaker or sound amplifier, or any other instrument known as a calliope or any instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operated or standing upon said streets or public places aforementioned."

Charles Kovacs, a representative of the C.I.O. United Steel Workers, broadcasted from a sound truck placed in front of the Trenton City Hall during a printers' strike. Being convicted of violating the above ordinance, he was fined $50 by a police judge. The conviction was upheld by the New Jersey Supreme Court and affirmed by a higher court, the New Jersey Court of Errors and Appeals.

The opinion of the United States Supreme Court said:

"City streets are recognized as a normal place for the exchange of ideas by speech or paper. But this does not mean the freedom is beyond all control. We think it is a permissible exercise of legislative discretion to bar sound trucks with broadcasts of public interest, amplified to a loud and raucous volume, from the public ways of municipalities. On the business streets of cities like Trenton, with its more than 125,000 people, such distractions would be dangerous to traffic at all hours useful for the dissemination of information, and in the residential thoroughfares the quiet and tranquility so desirable for city dwellers would likewise be at the mercy of advocates of particular religious, social, or political persuasions. We cannot believe that rights of free speech compel a municipality to allow such mechanical voice amplification on any of its streets.

"The right of free speech is guaranteed every citizen that he may reach the minds of willing listeners and to do so there must be opportunity to win their attention. This is the phase of freedom of speech that is involved here. We do not think the Trenton ordinance abridges that freedom. It is an extravagant extension of due process to say that because of it a city cannot forbid talking on the streets through a loud speaker in a loud and raucous tone. Surely such an ordinance does not violate our people's 'concept of ordered liberty' so as to require federal intervention to protect a citizen from the action of his own local government. Cf. *Palko* v. *Connecticut*, 302 U.S. 319, 325. Opportunity to gain the public's ears by objectionably amplified sound on the streets is no more assured by the right of free speech than is the unlimited opportunity to address gatherings on the streets. The preferred position of freedom of speech in a society that cherishes liberty for all does not require legislators to be insensible to claims by citizens to comfort and convenience. To enforce freedom of speech in disregard of the rights of others would be harsh and arbitrary in itself. That more people may

Is Religious Liberty Indispensable?

Religious liberty is indispensable, but it cannot be properly dispensed by law under duress of the government. All the sheriffs and laws in the land cannot enforce the golden rule, for true religion must be lived to become effective. Although good laws do not make men moral, bad laws *do* make men immoral!

be more easily and cheaply reached by sound trucks, perhaps borrowed without cost from some zealous supporter, is not enough to call forth constitutional protection for what those charged with public welfare reasonably think is a nuisance when easy means of publicity are open. Section 4 of the ordinance bars sound trucks from broadcasting in a loud and raucous manner on the streets. There is no restriction upon the communication of ideas or discussion of issues by the human voice, by newspapers, by pamphlets, by dodgers. We think that the need for reasonable protection in the homes or business houses from the distracting noises of vehicles equipped with such sound amplifying devices justifies the ordinance."

Justices Black, Douglas, Rutledge, and Murphy dissented from the majority. Mr. Justice Black, in dissenting, said:

"The question in this case is not whether appellant may constitutionally be convicted of operating a sound truck that emits 'loud and raucous noises.' The appellant was neither charged with nor convicted of operating a sound truck that emitted 'loud and raucous noises.' The charge against him in the police court was that he violated the city ordinance 'in that he did, on South Stockton Street, in said City, play, use and operate a device known as a sound truck.' The record reflects not even a shadow of evidence to prove that the noise was either 'loud or raucous,' unless these words of the ordinance refer to any noise coming from an amplifier, whatever its volume or tone. . . .

"The New Jersey ordinance is on its face, and as construed and applied in this case by that state's courts, an absolute and unqualified prohibition of amplifying devices on any of Trenton's streets at any time, at any place, for any purpose, and without regard to how noisy they may be. . . .

"The basic premise of the First Amendment is that all present instruments of communication, as well as others that inventive genius may bring into being, shall be free from governmental censorship or prohibition. Laws which hamper the free use of some instruments of communication thereby favor competing channels. Thus, unless constitutionally prohibited, laws like this Trenton ordinance can give an overpowering influence to views of owners of legally favored instruments of communication. This favoritism, it seems to me, is the inevitable result of today's decision. For the result of today's opinion in upholding this statutory prohibition of amplifiers would surely not be reached by this Court if such channels of communication as the press, radio, or moving pictures were similarly attacked.

"There are many people who have ideas that they wish to disseminate but who do not have enough money to own or control publishing plants, newspapers, radios, moving picture studios, or chains of show places. Yet everybody knows the vast reaches of these powerful channels of communication which from the very nature of our economic system must be under the control and guidance of comparatively few people. On the other hand, public speaking is done by many men of divergent minds with no centralized control over the ideas they entertain so as to limit the causes they espouse. It is no reflection on the value of preserving freedom for dissemination of the ideas of publishers of newspapers, magazines, and other literature, to believe that transmission of ideas through public speaking is also essential to the sound thinking of a fully informed citizenry.

"It is of particular importance in a government where people elect their officials that the fullest opportunity be afforded candidates to express and voters to hear their views. It is of equal importance that criticism of governmental action not be limited to criticisms by press, radio, and moving pictures. In no other way except public speaking can the desirable objective of widespread public discussion be assured. For the press, the radio, and the moving picture owners have their favorites, and it assumes the impossible to suppose that these agencies will at all times be equally fair as between the candidates and officials they favor and those whom they vigorously oppose. And it is an obvious fact that public speaking today without sound amplifiers is a wholly inadequate way to reach the people on a large scale. Consequently, to tip the scales against transmission of ideas through public speaking, as the Court does today, is to deprive the people of a large part of the basic advantages of the receipt of ideas that the First Amendment was designed to protect.

"There is no more reason that I can see for wholly prohibiting one useful instrument of communication than another. If Trenton can completely bar the streets to the advantageous use of loud speakers, all cities can do the same. In that event preference in the dissemination of ideas is given those who can obtain the support of newspapers, etc., or those who have money enough to buy advertising from newspapers, radios, or moving pictures. This Court should no more permit this invidious prohibition against the dissemination of ideas by speaking than it would

Do God's Interests Need Protection?

All religious legislation is based on the false assumption that God's interests need protection and a man's conscience must be prodded to do right. God speaks to a man's heart when he needs religion, but it will do no good to administer it to him in legal doses. To better our religion our neighbor must not be made the worse for it!

permit a complete blackout of the press, the radio, or moving pictures. It is wise for all who cherish freedom of expression to reflect upon the plain fact that a holding that the audiences of public speakers can be constitutionally prohibited is not unrelated to a like prohibition in other fields. And the right to freedom of expression should be protected from absolute censorship for persons without, as for persons with, wealth and power. At least, such is the theory of our society."

Mr. Justice Jackson was undoubtedly right when he said "that this decision is a repudiation of that in *Saia* v. *New York.*" Apparently one member of the Court has changed his mind since that case was decided by a five to four majority, as the present one is.

In a separate dissent Mr. Justice Rutledge has this to say:

"That the First Amendment limited its protections of speech to the natural range of the human voice as it existed in 1790 would be, for me, like saying that the commerce power remains limited to navigation by sail and travel by the use of horses and oxen in accordance with the principal modes of carrying on commerce in 1789. The Constitution was not drawn with any such limited vision of time, space and mechanics. It is one thing to hold that the states may regulate the use of sound trucks by appropriately limited measures. It is entirely another to say their use can be forbidden altogether."

It is all very confusing. H. H. V.

NEWS and COMMENT

Blue Sundays Come Back to Zion, Ill.

ZION, ILL.—(AP)—Zion—where the late Wilbur Glenn Voliva preached that the world was flat—will blow the dust off its blue laws Sunday.

The laws, which sharply restrict Sunday trade, labor and entertainment, will:

Ban delivery or sale of milk, newspapers and groceries. Prohibit the sale of meals, ice cream or other refreshments for consumption off the premises. Force the closing of Zion's one theater and bowling alley.

* * *

Leaders of a movement for repeal of the blue laws spearheaded a drive for strict enforcement after they were defeated in a referendum.

Strict enforcement, they contend, may cause residents to reconsider their stand on the laws at some later referendum.

The blue laws go back to 1901 when the city was founded by Overseer John Alexander Dowie as the home of the Christian Catholic Apostolic Church.

They were rigidly enforced by him and his successor, Voliva. Since Voliva's death in 1942, enforcement had slackened.

Zion's population is 8,000.—Detroit *Free-Press,* Dec. 24, 1948.

Overseer Dowie came to the United States in 1888, and in 1896 organized his "church," which in the turn of the century was established at Zion City, so named by him, on the shores of Lake Michigan, 42 miles north of Chicago.

No Strings Attached?

ADVOCATES OF FEDERAL AID to education push their program on the premise that children should not have to pay the penalties of inadequate education merely because they happen to be born in poor states. Government money, these well-meaning people say, should be provided to create uniformity of educational opportunity throughout the 48 united commonwealths.

"The advocates of federal aid have presented their case so well that many conservative national groups have been taken in by it, these organizations, the National Grange among them, apparently stand ready to swallow the naive idea that the federal government stands ready to dispense money without any concern whatever on how it is spent, just so it goes for educational facilities.

"Foremost exponent of such aid and chief pooh-pooher of the notion that the government has any desire to interfere in any way with state school systems is Oscar R. Ewing, federal security administrator.

"It may be of some interest in the circumstances to quote a line or two from a speech that Mr. Ewing made recently to the American Jewish Congress. Mr. Ewing told the congress that he had urged President Truman to give federal funds only to schools where there is 'absolutely no discrimination because of race, color, creed or national origin.'

"Quite obviously the federal security administrator was talking about what he and many others regard as

a virtue. Discrimination in schools because of race, color, creed or national origin is abhorrent to millions of genuinely patriotic Americans.

"But there is no point in disguising the fact that Mr. Ewing was also talking about federal controls. It is simply childish to assume that there will be no strings of any sort attached to federal aid to education. When the federal government puts up the money, it must as a matter of course be open to the sort of pressures Mr. Ewing himself described to the American Jewish Congress.

"If government spokesmen and other advocates of federal aid to state school systems would stop deceiving themselves and their audiences, it might be possible to discuss the proposition solely on its merits."—Chicago *Journal of Commerce,* Dec. 15, 1948, editorial.

Local public schools are in danger of Federal control when Federal funds are appropriated to them. If the danger is not immediate, it is nonetheless inevitable, for no official can justify or long excuse the expenditure of tax funds without proper supervision of their use.

Church-operated schools face graver dangers than the tax-supported public school in accepting Government subsidies, whether the subvention be cash or goods.

To have secular governmental direction of religious teaching would be fatal to it.

Oh, we know it would not come at once, or all at once; but come it would. Those who want freedom to teach religion in a day school must be willing to pay for it without Government aid.

India Places Formal Ban on "Untouchable" Status

By the United Press

NEW DELHI, INDIA, NOV. 29.—India's 60,000,000 "Untouchables" officially became equal citizens instead of pariahs today when the Constituent Assembly gave final approval to a clause in the new Constitution.

"Untouchability is abolished and its practice in any form is forbidden," the clause said. "Enforcement of any disability arising out of Untouchability shall be a punishable offense in accordance with the law."

In recent years legislation has been passed to better the Untouchables' lot. A few were permitted to vote. Provincial legislatures outlawed discrimination. But in actual practice the system continued and even when India became independent grave anxiety was felt that Hindu fanatics might revolt if Untouchables were made equal with other men and women.

Now the Indian Government includes two Untouchables, the Ministers for Law and Labor. The Law Minister, Dr. B. R. Ambedkar, is married to a Brahmin, a member of the highest of the four recognized Hindu castes.—New York *Times,* Nov. 30, 1948.

Sunday-Law Prosecution in Massachusetts

JUDGE RALPH S. SPOONER fined Oliver A. Asmund, of Longmeadow, Massachusetts, and Neil F. Plouff, of Springfield, Massachusetts, $25 each for "working on the Lord's Day." Asmund claimed he was working "on his own home on his own property, . . . and that Sunday, or no Sunday, he had a perfect right to do work on his own property." Asmund says he will carry his case on appeal to the Supreme Court if necessary. Massachusetts allows many kinds of commercial business and amusements, which formerly were prohibited, to be carried on on Sunday.

Federal Council of Churches on Human Rights

AT THE BIENNIAL MEETING of the Federal Council of the Churches of Christ in America, December 3, 1948, strong statements were adopted concerning "The Churches and Human Rights." Among other things this was said:

"Among the basic human rights which are the due of every person are the following:

"1. Freedom of religion and conscience, including rights of all men to hold and change their faith, to express it in worship and practice, to teach and persuade others, and to decide on the religious education of their children.

"2. Freedom of speech, press, inquiry and study, including expression of economic, political, and social beliefs, with due regard to the protection of all from slander and libel.

"3. Freedom of peaceable association and assembly.

"4. Freedom from arbitrary arrest, police brutality, mob violence and intimidation."

The council also set forth certain "social, economic, and political rights."

We are in sympathy with many of these additional things, but this journal, for lack of space, must leave discussion of them to other papers and stick to our one subject—religious liberty.

Lord's Day Alliance Seeks Sunday Law Enforcement

THE LORD'S DAY ALLIANCE of the United States went to the aid yesterday of New York grocers and delicatessen owners who want a few free hours on Sunday, when it unanimously adopted a resolution

calling on city magistrates to enforce the state Sunday closing law. The Alliance, which for sixty years has been championing a more reverent observance of the Sabbath, met in annual business session at the Marble Collegiate Church, Fifth Avenue and Twenty-ninth Street.

The present closing law, which Alliance officials say is rarely enforced, permits a restricted sale of merchandise between 7 and 10 A.M. and 4 and 7:30 P.M. on Sundays.

In presenting the resolution the Rev. Dr. Harry L. Bowlby, general secretary, said that 95 per cent of the city's grocers favored a complete shut-down on Sundays. The Alliance, he added, intends to press state legislation assuring a work-free Sabbath.—New York *Times,* Dec. 7, 1948.

Sunday Fishing in Georgia

NEWTON, GA., FEB. 15.—(AP)—Sunday fishing in Baker county must stop, Sheriff M. C. Screws ordered Tuesday.

"The sheriff said he is posting notices to this effect throughout the county and that the warning applies to out-of-county fishermen who come here as well as to actual residents.

"Sunday fishing, he observed, is a violation of moral as well as state law. 'I am prepared to prosecute any person caught fishing on Sunday to the limit of the law,' he said."

Bill Would Hit Sunday Auto Races

LEGISLATION TO PROVIDE for State confiscation of all money taken in by Sunday sports or other events held in violation of Pennsylvania's Sabbath laws was introduced in the Senate yesterday by Sen. George N. Wade, Camp Hill Republican.

The measure also increases the present $4 fine for Sabbath Day violations to $100, and boosts the six day jail sentence in default of fine to 30 days.

Senator Wade told a reporter that many Sunday sports events have been subject to local option in recent years, and in those communities that have not voted or have voted against Sunday activities the operators can still profitably defy the law under the existing statutes. He said the bill has the backing of church groups.

The Attorney General's Office said only musical concerts and tennis are legal without local option on Sunday. Events that may be legalized on the Sabbath by local referenda are: Baseball and football, since 1933, and motion pictures and polo since 1935.—*The Patriot* (Harrisburg, Pa.), Feb. 24, 1949.

Violated Sabbath Law

HE VIOLATED the Sabbath Law by mixing cement on Sunday for a building under construction at Francis Lewis boulevard and 28th avenue, Bayside, so August Texeria, 41, laborer, employed by the Moraes Construction Company of St. Albans, was fined $5 yesterday in Flushing Court.—Long Island *Daily Press,* Feb. 10, 1949.

National Bills Against Bigotry

SIX BILLS have been introduced into the House of Representatives thus early in this session of Congress to stop the circulation, not only through the mails, but through the use of any "common carrier or other agency" of anything which would tend to expose a man or his race or religion to hatred, contempt, or obloquy.

Five of the bills propose punishment for violation of the acts by "a sentence of not more than $1,000 or by imprisonment for not more than one year, or by both," but Mr. Lynch, who confines his prohibition to "all papers, pamphlets, magazines, periodicals, books, pictures, and writings of any kind" which are "deposited for mailing or delivery" in the United States mails, proposes imprisonment "for not more than five years" or a fine of "not more than $5,000, or both fine and imprisonment."

As we have said when similar bills have been introduced in Congress in the past, no one can despise more than we do any attempts to create prejudice or any displays of bigotry. However, such bills as these are dangerous. It is amazing how sensitive some people are. Some are afraid of facts, and the mere presentation of them would bring the charge of attempts to arouse prejudice, hatred, and contempt. There are enough laws, if properly enforced, to take care of slander and libel. We sincerely hope that all these measures will be soundly defeated if they are brought to a vote.

California Bigotry Bill

ON JANUARY 12 LAST, eight gentlemen introduced into the lower house of the California legislature the following:

"SECTION 1. Section 421 is added to the Penal Code, to read: 421. Any person who promulgates any propaganda designed to belittle, ridicule, upbraid, condemn or hold up to scorn and contempt, any religious system or denomination, or otherwise attempt to discredit any church, synagogue, temple or religious institution or denomination duly incorporated in this State; or libels or slanders any such church, synagogue, temple or religious denomination; or holds up

to scorn and contempt and ridicule any person or group because of his or their religious belief or worship shall be guilty of a misdemeanor."

A similar bill was introduced the following day, sponsored by five of these gentlemen and more than a score of other members of the assembly. It is more exhaustive in its statements and its definitions, but basically it has the same purpose as the earlier bill.

Evidently the hearts of these legislators are all right, but the thing they are trying to do is subject to gross abuse and would undoubtedly bring many suits which would engender more hatred than they could hope to stop.

New York Supreme Court Upholds Released Time

THE PROVISIONS of the New York State released-time law were upheld by the Supreme Court of that State in these words:

"This court . . . believes the New York plan free from objectionable features which motivated the United States Supreme Court to declare the Champaign plan unconstitutional."

Referring to this decision, the *Commonweal* says the decision "has upset the considerable victory of Vashti [McCollum] at Champaign."

Fight School Bus Transport Ruling

FREMONT, O., JAN. 12.—(AP)—Parents of a parochial school pupil say they will appeal to Governor Frank J. Lausche a township school board's ruling on transportation for the girl.

The Washington Township School Board instructed a school bus driver to cease hauling Marian Held from Lindsey to St. Joseph High School here. W. A. Whitman, county school superintendent, said he had advised the board it is not required to transport a parochial school pupil, but may do so if it desires.—*Ohio State Journal,* Jan. 13, 1949.

North Carolina Continues Weekday Religious Education

IN A NEWS NOTE which appeared in the *Christian Century* of December 22, 1948, it is reported that the North Carolina council of churches is authority for the statement that "there has thus far been little change in weekday religious education programs in the state as the result of the Supreme Court decision in the Champaign case. In the current term, 29,838 pupils are enrolled in Bible classes in 187 schools."

Name of God in United Nations Charter

A MEMORANDUM WAS SENT to the president of the General Assembly of the United Nations by a group of Catholic international organizations, expressing regrets that the charter did not incorporate an acknowledgment of God in the document. The delegations from Catholic countries attempted to incorporate such an acknowledgment of God in the Declaration of Human Rights in the charter when it was adopted by a vote of 48 to 0 with eight abstentions, including the Soviet bloc, but utterly failed. The Catholic periodicals have expressed regrets that the name of God was not incorporated. The name of God and of Jesus Christ have been incorporated in the charters and constitutions and laws of all Catholic countries, and that very fact has formed the basis for a union of the church and the state with its resultant religious persecutions. The majority of the delegates were wise in rejecting the proposal.

Sunday-Law Problems in the Philippines

WHAT THE CEBU CITY (Philippine Islands) *Pioneer Press,* October 21, 1948, referred to as a "Blue Sunday ordinance" was passed on October 7 by the municipal board, but Councilor Carlos J. Cuizon proposed a modification of the measure so that those who observe the seventh day of the week might be exempt from its provisions.

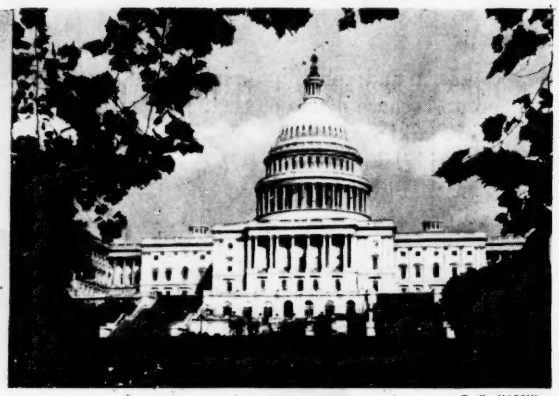
The president of the municipal board saw dangers in granting one exemption, pointing out that " 'Buddhists, Mohammedans and other groups,' would also claim the right to open their establishments on Sunday."

However, on November 5 the council approved "in principle" the following amendment to the ordinance passed the month before:

"That employees and laborers of business, commercial or industrial establishments, which by virtue of the religious affiliation of the owner or owners of such business, commercial or industrial establishments, regularly give their workers one day of rest each week other than on Sunday, shall be exempted from the provision of this Ordinance;

"That sufficient proof of this grant to the workers, by means of affidavits of the priest, pastor or head of such religious organization, shall be shown to the satisfaction of the Mayor."

We do not know what the term "in principle" means or what construction may be put upon it. At best it is a species of toleration. The act is purely religious, because all that sets Sunday apart from any other day is its religious significance to many people.



T. K. MARTIN

Freedom's Flower Is Protected by the State, When, As in American Democracy, the Civil Power Is Truly the Servant of Its Citizens

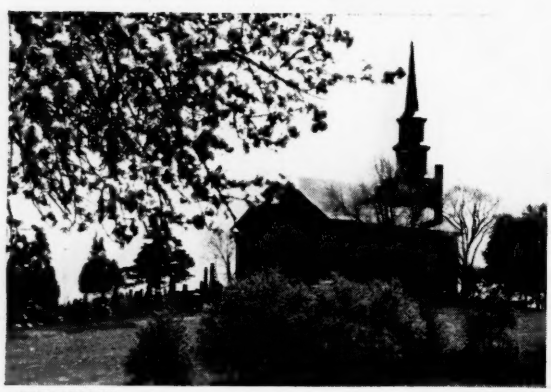
The Flower of Liberty

BY WELDON C. WOOD

Let us plant liberty in our flower gardens this season. We may have planted it last year, but liberty is not a perennial. It isn't very hardy. It doesn't last very long without constant care. It thrives best when planted in the rich soil of tolerant hearts and when watered with the sweat of honest toil.

To protect the plant of liberty from many and varied pests, keep it dusted with "anti-union of church and state" powder. This is obtainable at the voting booths on election day, and in-between times from high government officials, national, State, and local legislatures, and court judges. All have the powder and should give it freely, especially when asked for it. To forestall sudden wilting and death from "state of emergency" cut worms, which work fast, sink the shaft of "eternal vigilance" well into the ground about the tender stalk. Keep the soil rich with frequent study of church history and of our Constitution and Bill of Rights. The plant must also be shielded from the searing rays of bigotry and the chill of indifference.

When these conditions are met, liberty will produce a flower whose beauty will entrance every beholder and whose fragrance, wafting o'er the land, will sweeten the lives of all who come within reach of its heavenly influence.



EWING GALLOWAY

The Church Enhances Its Beauty and Retains Its Fragrance, When It Operates in Its Own Sphere, Separate From the State